

EXHIBIT A

Page 1

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 JEFFREY ALLAN SKODAK,
5 Plaintiff,

6 HONORABLE PAUL D. BORMAN

7 v.
8 Defendant.

9 No. 04-74397

10 MOTION TO ENFORCE SETTLEMENT - EVIDENTIARY HEARING

11 Tuesday, July 18, 2006

12 10:05 a.m.

13 APPEARANCES:

14 For the Plaintiff: HEATHER BROOKS-SZACHTA
15 Law Office of Barry Shoultz
16 392 W. Nepessing Street
17 Lapeer, Michigan 48446

18 For the Defendant: CHRISTOPHER P. MAZZOLI
19 Bodman, LLP
20 201 West Big Beaver Road
21 Suite 500
22 Troy, Michigan 48084

23 Also Present: Carolyn Ritchie
24 Jeffrey Skodak

25 To Obtain Certified Transcript, Contact:
 Leann S. Lizza, CSR-3746, RPR, CRR, RMR
 (313) 965-7510

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1	TABLE OF CONTENTS			
2	Plaintiff's Case in Chief	Page		
3	Jeffrey Skodak		1	Tuesday, July 18, 2006
4	Direct Examination By Ms. Brooks-Szachta	55	2	Detroit, Michigan
5	Cross-Examination By Mr. Mazzoli	71	3	
6			4	(Call to order of the Court, 10:05 a.m.)
7			5	(Court and Counsel present.)
8	Defendant's Case in Chief	Page	6	THE COURT CLERK: Skodak versus Accor North America,
9	Carissa Pilarski		7	case number 04-74397.
10	Direct Examination By Mr. Mazzoli	7	8	THE COURT: Parties please identify themselves for the
11	Cross-Examination By Ms. Brooks-Szachta	25	9	record beginning with the Plaintiff.
12	Redirect Examination By Mr. Mazzoli	37	10	MS. BROOKS-SZACHTA: Good afternoon, Your Honor.
13	Carolyn Ritchie		11	Heather Brooks-Szachta on behalf of the Plaintiff, Jeffrey
14	Direct Examination By Mr. Mazzoli	42	12	Skodak.
15	Cross-Examination By Ms. Brooks-Szachta	50	13	THE COURT: And, sir, for the record.
16	Redirect Examination By Mr. Mazzoli	54	14	MR. SKODAK: Jeffrey Skodak, sir.
17			15	THE COURT: Okay. Thank you.
18	Motions	Page	16	And for the defense.
19	Argument by Mr. Mazzoli	5	17	MR. MAZZOLI: Chris Mazzoli on behalf of Defendant
20	Argument by Ms. Brooks-Szachta	6	18	Accor North America.
21	Ruling by the Court	7	19	THE COURT: And seated with you at counsel table is?
			20	MS. RITCHIE: Carolyn Ritchie from Accor North
			21	America.
			22	THE COURT: And spell your last name.
			23	MS. RITCHIE: R-i-t-c-h-i-e.
			24	THE COURT: And this is your hearing, Mr. Mazzoli.
			25	There was an objection filed by the Plaintiff yesterday with
1				
2	Plaintiff's Exhibits			
3	Number	Received		
4			1	regard to the testimony of Carissa Pilarski, C-a-r-i-s-s-a
5			2	P-i-l-a-r-s-k-i. Did you receive a copy of it?
6			3	MR. MAZZOLI: I did receive a copy.
7	Defendant's Exhibits		4	THE COURT: Do you wish to respond to it?
8	Number	Received	5	MR. MAZZOLI: Yes, I do.
9	500	17	6	THE COURT: Okay.
10	502	46	7	MR. MAZZOLI: The objection has no merit. We're here
11			8	today not just about fraud that was committed between the
12			9	parties but also involving allegations of fraud upon the Court.
13			10	And, certainly, there's an interest not just for the parties
14			11	but on the Court's behalf to, you know, find out if there's any
15			12	merit to these allegations, to hear what, you know, I mean the
16			13	relevant witnesses have to say with respect to this matter.
17			14	Additionally, Plaintiff's counselor received
18			15	Miss Pilarski's statement in February of 2006. They filed
19			16	their motion to compel in March of 2006. They've known about
20			17	this hearing for five, six weeks. At no point have they ever
21			18	sought to strike Miss Pilarski's statement or prevent her from
22			19	testifying. It's a little late in the game here on the eve of
23			20	the adventure here and to ask to have her stricken. They also
24			21	at no point asked to take her deposition or anything. At this
25			22	point it would be, obviously, very prejudicial to Defendants to
			23	strike her testimony. We've had Ms. Ritchie come in all the
			24	way from Texas for this hearing. We're ready to go. The Court
			25	has an interest in getting to the bottom of this matter.

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<p>1 They've known about her. There's no surprise to them, 2 prejudice to them, and her testimony should be allowed. 3 THE COURT: Okay. Do you wish to respond, 4 Miss Szachta?</p> <p>5 MS. BROOKS-SZACHTA: Just briefly, Your Honor. 6 Your Honor, Plaintiff shouldn't be forced to have to 7 depose Miss Pilarski. Miss Pilarski's testimony from the 8 defense could have been uncovered probably a year ago. Her 9 name was mentioned in the deposition of Mr. Skodak. They make 10 the point -- in fact, we noted this in our initial brief. They 11 mention, well, if it would have required them to depose anyone 12 that happened to know Mr. Skodak. Not true. Both parties -- 13 well, I'm sorry. Mrs. Pilarski -- Miss Pilarski and Mr. Skodak 14 both acknowledged that they were boyfriend and girlfriend for 15 about two years. To me this could have been somebody that they 16 should have deposed earlier on in the case or at least 17 questioned or mentioned on their witness list. They didn't. 18 It wasn't until this initial -- this whole matter of the 19 settlement agreement came up they decide that she was all 20 relevant.</p> <p>21 Secondly, the issue here is whether there was fraud 22 with the inducement of the settlement agreement. It is our 23 position that Miss Pilarski is not going to be able to offer 24 any testimony with regard to this narrow issue that we are here 25 to discuss today.</p>	<p>1 A. Carissa Pilarski. 2 Q. And what's your date of birth? 3 A. January 6th, 1984. 4 Q. How old are you? 5 A. 22. 6 Q. When did you graduate from high school? 7 A. 2002. 8 Q. Are you currently employed? 9 A. Yes. 10 Q. Where? 11 A. E.G. Nicks (phonetic). 12 Q. Are you going to school? 13 A. Yes. 14 Q. Where? 15 A. St. Clair County Community College. 16 Q. And what are you studying? 17 A. I'm studying registered nursing. 18 Q. Where do you live? 19 A. I live in Imlay City. 20 Q. How long have you lived in Imlay City? 21 A. 22 years. 22 Q. When did you first meet Mr. Skodak? 23 A. I met Jeff in July of 2003. 24 Q. How old were you at the time? 25 A. I was 19.</p>
<p>1 Again, the witness lists were filed long ago. We 2 probably would have deposed them then. We shouldn't have to 3 now reopen or seek to reopen discovery. So for those reasons 4 we believe that her testimony should not be allowed here today. 5 THE COURT: The Court had a previous hearing on May 6 the 24th, and at that hearing there was extensive discussion of 7 Miss Pilarski. I think the Plaintiffs have had notice with 8 regard to the effect that she would be a witness in this 9 hearing at that time. That's been almost two months. If they 10 had wanted to depose her, they could have Noticed it. So I 11 will allow her testimony today.</p> <p>12 So please proceed if you have any witnesses that you 13 wish to call.</p> <p>14 MR. MAZZOLI: I will call Ms. Pilarski. 15 THE COURT: Okay. If you'd please come to the court 16 reporter. Spell your first name and last name. 17 THE WITNESS: C-a-r-i-s-s-a, last name 18 P-i-l-a-r-s-k-i. 19 THE COURT: Please raise your right hand. 20 (Carissa Pilarski, sworn, 10:10 a.m.) 21 THE COURT: Come on up. Take the witness chair. 22 Speak in a loud voice. 23 DIRECT EXAMINATION 24 BY MR. MAZZOLI: 25 Q. Good morning. State your name for the record.</p>	<p>1 Q. Where'd you meet him? 2 A. I met him where we worked together, West Street Grill. 3 Q. At what point did you and Mr. Skodak start dating? 4 A. It was approximately August of 2003. 5 Q. And at some point the two of you broke up? 6 A. Yes, we did. 7 Q. Why was that? 8 A. We broke up because I found out he was seeing somebody 9 else. 10 Q. And when would that have been? 11 A. That would have been the spring/summer of 2004. 12 Q. At some point you and Mr. Skodak started dating again? 13 A. Yes, we did. 14 Q. And when was that? 15 A. That would have been in August of 2004, at the end of that 16 summer. 17 Q. The two of you ever talk about getting married? 18 A. Yes, we did. 19 Q. How'd that come about? 20 A. He brought it up. He said that would be something that he 21 wanted to do. He had talked to my father about it, asked my 22 father if he could marry me. 23 Q. Eventually you bought Mr. Skodak's mother's house; is that 24 correct? 25 A. Yes.</p>

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<p style="text-align: right;">Page 10</p> <p>1 Q. And how did that come about?</p> <p>2 A. That came about -- we had talked about marriage, and Jeff</p> <p>3 said that he thought it would be a good idea if we bought a</p> <p>4 house together, being a step in that process, and his mother</p> <p>5 was moving, so he saw that as an opportunity to buy her home.</p> <p>6 Q. Who actually got the loan to buy the house?</p> <p>7 A. I did.</p> <p>8 Q. Why not Mr. Skodak?</p> <p>9 A. His --</p> <p>10 MS. BROOKS-SZACHTA: Objection, Your Honor, as to</p> <p>11 relevancy. This hearing is for the -- regarding the inducement</p> <p>12 into the settlement agreement, any matters that she may have --</p> <p>13 personal knowledge with regard to that. I don't see where this</p> <p>14 is going.</p> <p>15 THE COURT: Okay. Mr. Mazzoli, where is this going?</p> <p>16 MR. MAZZOLI: Yeah. Number one, just to go over the</p> <p>17 background between -- the relationship. Also, I suspect that</p> <p>18 they will be attacking Ms. Pilarski's credibility and they've</p> <p>19 already raised allegations about, you know --</p> <p>20 THE COURT: We'll wait and see about the attack.</p> <p>21 Let's just go ahead. Sustain.</p> <p>22 MR. MAZZOLI: Pardon me?</p> <p>23 THE COURT: We'll sustain the objection. If it needs</p> <p>24 to be brought on redirect.</p> <p>25 MR. MAZZOLI: Okay.</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Yes.</p> <p>2 Q. During the time you were dating did he ever mention if and</p> <p>3 where he had gone to college?</p> <p>4 A. He had told me that he attended the University of Michigan</p> <p>5 Flint for a year and Ann Arbor.</p> <p>6 MS. BROOKS-SZACHTA: Objection, Your Honor, again, as</p> <p>7 to relevance. What does the representations as to Mr. Skodak's</p> <p>8 education, be it U of M or otherwise, have to do with the</p> <p>9 fraudulent -- alleged fraudulent inducement into the settlement</p> <p>10 agreement?</p> <p>11 THE COURT: Do you want to respond, Mr. Mazzoli?</p> <p>12 MR. MAZZOLI: Well, again, more of the background and</p> <p>13 part of the pattern of information that he was telling that was</p> <p>14 false.</p> <p>15 THE COURT: Well, that would be good at trial, but I</p> <p>16 don't think we need it for this hearing.</p> <p>17 MR. MAZZOLI: Okay.</p> <p>18 BY MR. MAZZOLI:</p> <p>19 Q. After you broke up did Mr. Skodak owe you any money?</p> <p>20 A. Yes.</p> <p>21 Q. For what?</p> <p>22 A. He owed me -- well, he still owes me money for checks that</p> <p>23 he had stolen --</p> <p>24 MS. BROOKS-SZACHTA: Objection, Your Honor. Again,</p> <p>25 we're getting into an area that is well beyond the scope of</p>
<p style="text-align: right;">Page 11</p> <p>1 BY MR. MAZZOLI:</p> <p>2 Q. When did the two of you move into the house?</p> <p>3 A. We moved in in June of 2005.</p> <p>4 Q. And eventually the two of you broke up again for good?</p> <p>5 A. Yes.</p> <p>6 Q. And when was that?</p> <p>7 A. That was in August of 2005.</p> <p>8 Q. And why was that?</p> <p>9 A. Because I came home one night and there was another woman</p> <p>10 in my house.</p> <p>11 Q. And who did Mr. Skodak say she was?</p> <p>12 A. He said that she was a -- well, he worked for Countrywide</p> <p>13 Mortgage at the time. There's a business partner that they</p> <p>14 deal with. Her name's Ann Anderson, and he said that that girl</p> <p>15 was her daughter.</p> <p>16 Q. And who did she actually turn out to be?</p> <p>17 A. She turned out to be Janet Baumgardner.</p> <p>18 Q. When was the last time you spoke to Mr. Skodak?</p> <p>19 A. That would have been October 31st of 2005.</p> <p>20 Q. And why did you see him at that point?</p> <p>21 A. I had to pay him money to sign off his rights to the title</p> <p>22 of the home.</p> <p>23 Q. So his name was on the title also?</p> <p>24 A. Yes.</p> <p>25 Q. And after that did he vacate the premises?</p>	<p style="text-align: right;">Page 13</p> <p>1 this particular hearing which is fraudulent inducement of the</p> <p>2 defense into entering into the settlement agreement. Anything</p> <p>3 beyond that that may or may not have happened between</p> <p>4 Ms. Pilarski and Mr. Skodak is completely irrelevant to this</p> <p>5 particular hearing.</p> <p>6 MR. MAZZOLI: I think it's relevant to show the bias</p> <p>7 that Mr. Skodak has in this case --</p> <p>8 THE COURT: Bias against whom?</p> <p>9 MR. MAZZOLI: Against Ms. Pilarski.</p> <p>10 THE COURT: Well, the case isn't about Miss Pilarski.</p> <p>11 The case is about the settlement of a lawsuit that dealt with</p> <p>12 your client, the motel chains.</p> <p>13 MR. MAZZOLI: Correct. But also Ms. Pilarski's</p> <p>14 credibility is the key point here.</p> <p>15 THE COURT: Well, get -- if it raises on cross, then</p> <p>16 we'll get to that, but I'll sustain the objection then.</p> <p>17 MR. MAZZOLI: All right.</p> <p>18 BY MR. MAZZOLI:</p> <p>19 Q. During the time you were dating Mr. Skodak did you hear</p> <p>20 about a lawsuit he had filed against Motel 6?</p> <p>21 A. Yes, I did.</p> <p>22 Q. How did that first come about?</p> <p>23 A. That came about in approximate -- it was about a few months</p> <p>24 after we had started dating. It was October of 2003. He had</p> <p>25 asked me if the only reason I was dating him is because of the</p>

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<p style="text-align: right;">Page 14</p> <p>1 lawsuit that he had going. I didn't know what he was talking 2 about at that time. So I asked him, "What lawsuit?" He said 3 that he was suing Motel 6 for sexual harassment case. He was 4 expecting a lot of money after that were to go through.</p> <p>5 Q. What was the next significant discussion you had with 6 Mr. Skodak about the lawsuit?</p> <p>7 A. Would have been in November or December of 2004. We were 8 living in an apartment in Lapeer.</p> <p>9 Q. And what was discussed?</p> <p>10 A. We had talked -- well, there was -- I'd brought it up 11 because there was things laying around that his lawyer had sent 12 to him. There was a journal that we had talked about. He -- 13 we talked about counseling sessions that he attended, and we 14 also talked about his friend, Derrick, that would also be 15 involved in the case and was going to testify against Motel 6.</p> <p>16 Q. Did he say anything in particular about any of those 17 things, the journal, the counselor or Mr. Bruce at this point?</p> <p>18 A. He had said that Derrick would help him with the case and 19 that he would receive a cut of the money after the settlement 20 went through, and he said that during the counseling sessions 21 he had lied to the counselor. He had a girlfriend at the time. 22 He said that all the things that were going on with the case 23 caused him to break up with his girlfriend. That wasn't true. 24 He told me that he lied about depression that he had.</p> <p>25 Q. When was the next significant discussion you had with</p>	<p style="text-align: right;">Page 16</p> <p>1 talked about the journals again. He -- we talked about the 2 counseling sessions again which he said that he had lied about, 3 the depression, his girlfriend. He talked about having bad -- 4 or poor eating habits. He lost his appetite. And then Derrick 5 was brought up again, and Jeff said that he would give him a 6 cut of the money after the settlement went through.</p> <p>7 Q. With respect to the journal, did you have a chance to look 8 at that journal?</p> <p>9 A. Yes, I did.</p> <p>10 Q. Can you describe the journal for me?</p> <p>11 A. The one that I looked at was a packet that his lawyer had 12 sent to him. It was a photocopy, and it was handwritten.</p> <p>13 Q. Did you ever see the original journal?</p> <p>14 A. No.</p> <p>15 Q. So you just saw copies of it?</p> <p>16 A. Right.</p> <p>17 Q. Is that correct?</p> <p>18 A. Yes.</p> <p>19 MR. MAZZOLI: Your Honor, may I approach the witness?</p> <p>20 THE COURT: Yes. Why don't you show it first to 21 opposing counsel.</p> <p>22 MR. MAZZOLI: I'm handing what I've marked as 23 Defendant's Exhibit 500 -- Your Honor, would you like a copy?</p> <p>24 THE COURT: That would be good. Thank you.</p> <p>25 BY MR. MAZZOLI:</p>
<p style="text-align: right;">Page 15</p> <p>1 Mr. Skodak about the lawsuit?</p> <p>2 A. That would have been in June of 2005.</p> <p>3 Q. And where were you living at that point?</p> <p>4 A. At that point we had just moved into the house that we had 5 boughtin' from his mother.</p> <p>6 Q. And where in the house were you when this conversation 7 came?</p> <p>8 A. We were in the living room.</p> <p>9 Q. How did this conversation come about?</p> <p>10 A. He was watching a video because he was preparing for the 11 deposition he did. And he was watching the video that his 12 lawyer had sent to him on how to give a proper deposition.</p> <p>13 Q. Did you watch the video with him?</p> <p>14 A. Yes, I did.</p> <p>15 Q. Can you generally describe what this video was about?</p> <p>16 A. It was a pretty general video. It showed a lawyer asking a 17 person questions, how that person might want to answer those 18 questions if they didn't know exactly what the lawyer was 19 asking or a specific date. It also talked about how to answer 20 those questions.</p> <p>21 Q. After you watched the tape, did you discuss the case at 22 all?</p> <p>23 A. Yeah. We talked about what would happen at the deposition.</p> <p>24 We talked about what he thought would happen after that came 25 about, if they would offer settlement at that time. We had</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Can you identify that document for me?</p> <p>2 A. Yes. This is the journal that I read parts of.</p> <p>3 MR. MAZZOLI: I move to admit Defendant's Exhibit 500.</p> <p>4 THE COURT: Any objection?</p> <p>5 MS. BROOKS-SZACHTA: No objection, Your Honor.</p> <p>6 THE COURT: Admit.</p> <p>7 BY MR. MAZZOLI:</p> <p>8 Q. At any point did Mr. Skodak tell you not to look at the 9 journal?</p> <p>10 A. No.</p> <p>11 Q. Did he ever forbid you to read the journal?</p> <p>12 A. No.</p> <p>13 Q. Did you actually read through the journal?</p> <p>14 A. Yeah. I've read parts of it, if not the majority of it.</p> <p>15 Q. At that time in June, when you're talking about the case, 16 did you talk to him about the journal?</p> <p>17 A. I had asked him if he wrote the journal, and he said he 18 did.</p> <p>19 Q. And why did you ask him that?</p> <p>20 A. Because knowing Jeff for that long and his tendencies and 21 his character, that's not really something that he would do.</p> <p>22 Q. Did the two of you discuss anything else about the journal?</p> <p>23 A. I asked him about the contents of it, and he said that the 24 dates listed on the entries, he didn't really write the 25 journals on those dates. He said that things in here were</p>

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<p style="text-align: right;">Page 18</p> <p>1 exaggerated, the truth was stretched, he made some of it up. 2 Q. Did he discuss at all with you at that time anything about 3 any medication he might have been taking or prescribed? 4 A. He did tell me that he was prescribed prescription 5 medications, that he didn't take them and that was pertaining 6 to this lawsuit when he had seen a counselor. 7 Q. Did you talk to anyone else that night? 8 A. He did call Derrick on the phone after we were done 9 watching the video and discussing what I had just talked to you 10 about. 11 Q. And around what time was this? 12 A. I'd say it was probably about 10:00 in the evening. 13 Q. And where were the two of you when he was having this phone 14 call? 15 A. We were both in the living room. 16 Q. Could you overhear what Mr. Skodak was saying to Mr. Bruce? 17 A. Yes. 18 Q. What did you overhear him say? 19 A. Jeff had told Derrick that he had just watched the video. 20 He was kind of telling Derrick how to answer questions during 21 the deposition. He told Derrick that the case would be over 22 soon, so just to hang in there for a little bit, he'd get his 23 cut of money. He told Derrick if he needed a ride down to his 24 deposition, just call him, Jeff would do anything for him if 25 Derrick just got ahold of him.</p>	<p style="text-align: right;">Page 20</p> <p>1 A. We received a letter. It was actually addressed to my 2 father and my stepmother, and the content was almost like a 3 scare tactic. It talked about if we had said anything about 4 Jeff to anybody, that they were threatening to sue us for 5 slander and that we just shouldn't speak about him to anybody. 6 MS. BROOKS-SZACHTA: Objection, Your Honor. This is 7 clearly hearsay. 8 THE COURT: Well, do we have the letter? 9 MR. MAZZOLI: I do have the letter. I was going to 10 move to admit it. 11 THE COURT: Then why don't we show it to opposing 12 counsel. 13 MS. BROOKS-SZACHTA: Your Honor, I've never seen this 14 letter, and the author of the letter isn't here to authenticate 15 it. This is clearly hearsay. And, again, just glancing at it, 16 it has nothing to do with the subject matter of this hearing. 17 THE COURT: Okay. I guess what I should do is take a 18 look at the letter, but first, who is the author of the letter? 19 MR. MAZZOLI: The author of the letter is Robert J. 20 Malleis. He's an attorney. He's Mr. Skodak's attorney. 21 THE COURT: In what -- is he connected with present 22 attorney's law firm, Mr. Shoultz? 23 MR. MAZZOLI: I don't think so. 24 MS. BROOKS-SZACHTA: Your Honor, I can state 25 absolutely not. This has something to do with a matter clearly</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. What, if anything, did you say to Mr. Skodak that he told 2 you some of these things that he made up in this lawsuit? 3 A. Well, I just asked him how he thought this was going to go 4 through especially after everything he had told me, and he said 5 that he had his journal entries, he had spoken to a counselor, 6 and he didn't really see how this -- how Motel 6 could really 7 dispute everything that he had against them. 8 Q. Since October 31 of 2005 have you had any further contact 9 with Mr. Skodak? 10 A. No. 11 Q. Have you seen him at all since then? 12 A. Just in a few other court hearings that me and him have 13 had. 14 Q. But other than these court hearings you haven't had any 15 contact with him since October 31, 2005 -- 16 A. No. 17 Q. -- is that correct? 18 A. Yes. 19 Q. You supplied Motel 6 with a verified statement that you 20 executed on February 2nd, 2006, correct? 21 A. Yes. 22 Q. After executing that verified statement were you or your 23 family contacted by Mr. Skodak's attorney? 24 A. Yes. 25 Q. Can you describe the contact?</p>	<p style="text-align: right;">Page 21</p> <p>1 outside the scope of this case and this hearing in particular. 2 This is a completely different matter. 3 MR. MAZZOLI: Well, I don't think -- I believe he's 4 his criminal attorney, but he also wrote this letter on his 5 behalf. I don't think this is completely disconnected. This 6 is a letter that was sent February 6th, just days after we 7 supplied the verified statement to Mr. Skodak's attorneys here. 8 I think the intent is clearly an attempt to scare her, and I 9 think it's relevant to this case. It just fits in with the 10 ongoing issues of Mr. Skodak. 11 THE COURT: Do you want to respond to that, 12 Miss Szachta? 13 MS. BROOKS-SZACHTA: Your Honor, I think I believe I 14 know what this is stemming from, and it is not -- it is not 15 related to this case. 16 THE COURT: Let's ask, what hearings? I guess it 17 would be relevant. So let me just -- why don't you have a seat 18 for a second, Miss Szachta, and then I'll let you respond. 19 You said you had contact or had seen Plaintiff, 20 Mr. Skodak, at court hearings. What kind of court hearings 21 were they? 22 THE WITNESS: We had a criminal case going through 23 right now for stolen clerks. The charge is uttering and 24 publishing. We've had a pretrial. We're awaiting an actual 25 trial date. We also have a civil case for monies that he owes</p>

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<p>1 me pertaining bills to the house that we owned or I owned. 2 THE COURT: Okay. So those cases are in Lapeer 3 County? 4 THE WITNESS: Those are. 5 THE COURT: Or I'm sorry, St. Clair? 6 THE WITNESS: No, it's Lapeer. 7 THE COURT: Lapeer. 8 And his attorney in one of those cases you think might 9 be Mr. -- how's his last name spelled? 10 MR. MAZZOLI: It's spelled M-a-l-e-i-s. I'm not 11 quite sure how to pronounce it. 12 THE COURT: Malleis. 13 MR. MAZZOLI: Malleis. I believe he's made an 14 appearance in the criminal case, not in the civil case. 15 THE WITNESS: I'm not 100 percent for sure if that's 16 who it is. It could be. I've only seen him one time. 17 THE COURT: Then I think it is -- let me look at it 18 first and see if it's relevant. If you can give it to Miss 19 Dorsey and she will give it to me. Is this proposed 20 Exhibit 501? 21 MR. MAZZOLI: Yes, it is. 22 THE COURT: Let me skim through it. Now, first the 23 letter is directed to Douglas and Aaron, A-r-r-o-n, Pilarski. 24 Is Aaron your stepmother? 25 THE WITNESS: Aaron is my stepmother, and they spelled</p>	<p>Page 22</p> <p>1 talked to him. 2 Q. After you and Mr. Skodak broke up in August of 2005 did you 3 initiate any contact with Motel 6? 4 A. No. 5 Q. After you and Mr. Skodak broke up in August of 2005 did 6 anyone from Motel 6 or on behalf of Motel 6 contact you? 7 A. Yes. 8 Q. Who was that? 9 A. That was you. 10 Q. In approximately when would that -- 11 A. That was right around the time I signed my verified 12 statement. 13 Q. Was this the first contact you had with anyone from or on 14 behalf of Motel 6? 15 A. Yes. 16 Q. Are you still angry -- 17 THE COURT: This was after you signed the verified 18 statement? 19 THE WITNESS: This was before. 20 THE COURT: Before? 21 THE WITNESS: Yes. 22 BY MR. MAZZOLI: 23 Q. Are you still angry with Mr. Skodak? 24 A. Yes. 25 Q. Do you have a grudge against Mr. Skodak?</p>
<p>Page 23</p> <p>1 her name incorrectly. 2 THE COURT: Probably E-r-i-n, something like that? 3 THE WITNESS: Yes. 4 THE COURT: Let me just read it. Okay. This letter 5 which is addressed to the witness' father and stepmother 6 relates to the other matters and not to this case, and more 7 importantly, I guess, it is not addressed to her, and so to 8 that extent I'm not going to allow it into evidence in this 9 case. 10 I'll note it if you want just for the record. 11 MR. MAZZOLI: Yeah. 12 THE COURT: It's not. 13 MR. MAZZOLI: All right. 14 BY MR. MAZZOLI: 15 Q. Do you know a Carl Baumgardner? 16 A. Yes. 17 Q. Who is he? 18 A. That is Janet Baumgardner's father. 19 Q. Have you been in contact with Mr. Baumgardner? 20 A. Yes. 21 Q. Who initiated the contact with Mr. Baumgardner? 22 A. He did. 23 Q. And approximately when was that? 24 A. This would have been in the early fall of 2005, I would 25 say, going -- probably October, November-ish is when I first</p>	<p>Page 25</p> <p>1 A. Yeah. 2 Q. To the fact that you're upset and angry with Mr. Skodak, 3 did that cause you to lie here today? 4 A. No. 5 Q. Did it cause you to lie in the verified statement you 6 supplied Motel 6? 7 A. No. 8 Q. Did you even want to get involved in this dispute between 9 Motel 6 and Accor? 10 A. No. 11 Q. So then why is it you are involved? 12 A. I was involved because you contacted me and I just 13 cooperated. You asked me a question, and I wasn't going to lie 14 about it, so. 15 Q. Did you volunteer to come here today? 16 A. No. I was subpoenaed by the Court to appear. 17 MR. MAZZOLI: I have no further questions. 18 THE COURT: Thank you. 19 CROSS-EXAMINATION 20 BY MS. BROOKS-SZACHTA: 21 Q. Good afternoon, Miss Pilarski. 22 THE COURT: It's still morning. It's not that long. 23 It's only 10:30. 24 BY MS. BROOKS-SZACHTA: 25 Q. Now, you had stated that you -- how long did you date</p>

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<p style="text-align: right;">Page 26</p> <p>1 Mr. Skodak?</p> <p>2 A. It would have been two years.</p> <p>3 Q. Two years. And in that time you had testified previously</p> <p>4 that you broke up twice; is that correct?</p> <p>5 A. Once for a short period of time and the second time</p> <p>6 permanently.</p> <p>7 Q. And this is because he cheated on you, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Now, you must have been pretty angry when he cheated on</p> <p>10 you, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And at the time that you broke up who was it that initially</p> <p>13 moved from the premises that you shared with Mr. Skodak?</p> <p>14 A. I moved.</p> <p>15 Q. You moved out.</p> <p>16 Did you retain a key to the property?</p> <p>17 A. Yes.</p> <p>18 Q. At any time in the months following your breakup, your</p> <p>19 final breakup, did you return to the home?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And how many times would you say that you had</p> <p>22 returned to that home?</p> <p>23 A. I can't give an approximation. My mail still went there.</p> <p>24 I was paying for the house. I don't know.</p> <p>25 Q. So you were paying for the house. You felt entitled to go</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. And isn't it true that while you were in the house at the</p> <p>2 time that Janet Baumgardner was in there there was an</p> <p>3 altercation between you and Ms. Baumgardner; is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. And isn't it also true that you --</p> <p>6 MR. MAZZOLI: Your Honor, object to the relevance as</p> <p>7 to any -- you know, they've made a point of saying that things</p> <p>8 involving Baumgardners are outside the scope of this case and</p> <p>9 not relevant. So I don't see where any issue she might have</p> <p>10 had with Janet Baumgardner is relevant to this case.</p> <p>11 THE COURT: If counsel wants to go ahead with</p> <p>12 Ms. Baumgardner, then we're going to bring in the Baumgardner</p> <p>13 thing, so.</p> <p>14 MS. BROOKS-SZACHTA: Well, Your Honor, first, before</p> <p>15 we do that, I'd like to explain that the reasons -- and this is</p> <p>16 by counsel's admission -- the reason they were trying to elicit</p> <p>17 this information was to establish bias on Mr. Skodak. My</p> <p>18 question is going to the bias of Ms. Pilarski which is, of</p> <p>19 course, very relevant to this hearing. We're going to</p> <p>20 establish -- allow a pattern of conduct on the part of Miss</p> <p>21 Pilarski that establishes that she, in fact, has a bias toward</p> <p>22 him and, in fact, a motive to lie which is going to be</p> <p>23 evidenced by past conduct of her which I would --</p> <p>24 THE COURT: Okay. I'll let you go ahead. We'll see</p> <p>25 where it takes us. So Miss Baumgardner was there. They had a</p>
<p style="text-align: right;">Page 27</p> <p>1 to the house; is that correct?</p> <p>2 A. No, not necessarily.</p> <p>3 Q. So would you say it was between ten and 20 times within the</p> <p>4 two months after you broke up?</p> <p>5 A. It was probably more than that. I don't know.</p> <p>6 Q. And did you allow yourself into the house or did you just</p> <p>7 go to the outside of the house?</p> <p>8 A. Well, I had a key.</p> <p>9 Q. So you entered the home.</p> <p>10 And this was not done with Mr. Skodak's permission; is</p> <p>11 that correct? In other words, he didn't -- you didn't ask him</p> <p>12 if you could come over and let yourself in, you just did so?</p> <p>13 A. At my house, right.</p> <p>14 Q. At the home that you had previously shared with Mr. Skodak.</p> <p>15 What was the address of the home, just for</p> <p>16 clarification?</p> <p>17 A. 1762 Carriage Lane.</p> <p>18 Q. And on the occasions that you would let yourself into the</p> <p>19 home or some of the occasions, would Mr. Skodak be in the home?</p> <p>20 A. Occasionally. Sometimes not. I'd go there during the day,</p> <p>21 so.</p> <p>22 Q. And on the occasions when -- on those times when he would</p> <p>23 be in the home was also -- Janet Baumgardner was also there on</p> <p>24 a few occasions at least; is that correct?</p> <p>25 A. One time she was there.</p>	<p style="text-align: right;">Page 29</p> <p>1 dispute.</p> <p>2 MS. BROOKS-SZACHTA: They had a dispute.</p> <p>3 BY MS. BROOKS-SZACHTA:</p> <p>4 Q. Isn't it also true that you, in the past, have called Janet</p> <p>5 Baumgardner names to her face and in the presence of</p> <p>6 Mr. Skodak?</p> <p>7 A. I don't know. It was an altercation. I --</p> <p>8 Q. You don't know.</p> <p>9 Was this altercation a physical one?</p> <p>10 A. No.</p> <p>11 Q. And isn't it true that you also had a confrontation with</p> <p>12 Mr. Skodak's sister at one point in the months following your</p> <p>13 breakup?</p> <p>14 A. Yes.</p> <p>15 Q. And this took place at the home that you once shared with</p> <p>16 Mr. Skodak?</p> <p>17 A. No.</p> <p>18 Q. Okay. And where was that altercation?</p> <p>19 A. We never had any direct words.</p> <p>20 Q. Was there -- isn't it true though that there's an occasion</p> <p>21 where you were in your car with the headlights pointed at Jeff</p> <p>22 Skodak's sister and you were revving the engine?</p> <p>23 A. That is not true.</p> <p>24 Q. Was there a point that you had told Mr. Skodak that you</p> <p>25 were going to get even with him?</p>

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<p style="text-align: right;">Page 30</p> <p>1 A. No.</p> <p>2 THE COURT: Going to what?</p> <p>3 MS. BROOKS-SZACHTA: Get even with him.</p> <p>4 THE COURT: Oh.</p> <p>5 THE WITNESS: No.</p> <p>6 BY MS. BROOKS-SZACHTA:</p> <p>7 Q. Isn't it true that at a certain point in the few months</p> <p>8 following your breakup that you left kiss marks in lip gloss on</p> <p>9 Mr. Skodak's car?</p> <p>10 A. I personally did not do that. That was a friend of mine.</p> <p>11 Q. Were you present when your friend did that?</p> <p>12 A. Yes.</p> <p>13 Q. And isn't it also true that there was also obscenities</p> <p>14 written in lip gloss on Mr. Skodak's car?</p> <p>15 A. I don't remember what was written.</p> <p>16 Q. Things were written on the car?</p> <p>17 A. Yes.</p> <p>18 Q. Did you write the things on the car?</p> <p>19 A. No.</p> <p>20 Q. Could you tell me when this was?</p> <p>21 A. This would have been shortly after I moved out of the home</p> <p>22 which would have been in August.</p> <p>23 Q. Okay. And did you attempt to stop your friend from doing</p> <p>24 this?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 32</p> <p>1 Mr. Skodak and didn't turn on the lights, instead just lit a</p> <p>2 candle?</p> <p>3 A. That is not a different occasion.</p> <p>4 Q. It's not a different occasion. But it did happen?</p> <p>5 A. Yes, I did go in the house and I did leave the lights off.</p> <p>6 Q. And you only left because Mr. Skodak called you on your</p> <p>7 cell phone and asked you to leave?</p> <p>8 A. Yes, I did leave because he did call me.</p> <p>9 Q. And wasn't there yet another occasion Mr. Skodak arrived at</p> <p>10 home to find that you had taken his personal belongings from</p> <p>11 the home and set them out by the curb?</p> <p>12 A. I don't understand the question. Can you repeat it again</p> <p>13 for me? I'm sorry.</p> <p>14 Q. Was there another occasion -- or wasn't there another</p> <p>15 occasion when Mr. Skodak arrived home to discover that you were</p> <p>16 removing his personal belongings and setting them outside by</p> <p>17 the curb?</p> <p>18 A. What do you mean by personal belongings?</p> <p>19 Q. Items of personal property belonging to Mr. Skodak.</p> <p>20 A. I don't know if I would call them that. There was --</p> <p>21 Q. What would you call them?</p> <p>22 A. When we bought the house, there was things left behind in</p> <p>23 there, and I don't -- they were not mine. They were not really</p> <p>24 his personally.</p> <p>25 Q. But you decided, took it upon yourself that you would</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Did you encourage your friends to do this?</p> <p>2 A. No.</p> <p>3 Q. You just sat passively by; is that your testimony?</p> <p>4 A. We were in a parking lot.</p> <p>5 Q. Uh-huh.</p> <p>6 A. So I would say yes.</p> <p>7 Q. Okay. Isn't it true also in the months following your</p> <p>8 breakup with Mr. Skodak you repeatedly called him on his cell</p> <p>9 phone?</p> <p>10 A. Yes.</p> <p>11 Q. Isn't it also true that you repeatedly e-mailed Mr. Skodak?</p> <p>12 A. No.</p> <p>13 Q. How about text messaging?</p> <p>14 A. No.</p> <p>15 Q. So but the cell phone, you did repeatedly try to contact</p> <p>16 him via phone.</p> <p>17 Isn't it true that on one occasion you showed up in</p> <p>18 late night hours at Mr. Skodak's home and you were -- had been</p> <p>19 to a bar and you'd been drinking; is that also true?</p> <p>20 A. Yes.</p> <p>21 Q. And there was a confrontation at that point as well with</p> <p>22 Mr. Skodak?</p> <p>23 A. I didn't see him personally that night at the house, no.</p> <p>24 Q. And isn't it true that there was yet another occasion when</p> <p>25 you let yourself into the home that you had once shared with</p>	<p style="text-align: right;">Page 33</p> <p>1 remove them, put them on the curb?</p> <p>2 A. Yes.</p> <p>3 THE COURT: What were they?</p> <p>4 THE WITNESS: It was basically junk left in the house,</p> <p>5 just junk.</p> <p>6 BY MS. BROOKS-SZACHTA:</p> <p>7 Q. And that was your assessment? In other words, Mr. Skodak</p> <p>8 didn't agree that they were junk. That was your assessment of</p> <p>9 what the items were? You didn't --</p> <p>10 MR. MAZZOLI: Objection, assuming.</p> <p>11 A. I didn't ask him if he thought it was junk. I don't know.</p> <p>12 BY MS. BROOKS-SZACHTA:</p> <p>13 Q. Okay. And was there yet not another occasion when</p> <p>14 Mr. Skodak was leaving for a vacation when you phoned him and</p> <p>15 told him that he needed to come home or you would get him in</p> <p>16 trouble, he did not?</p> <p>17 A. What do you mean by getting him in trouble?</p> <p>18 Q. I'm just saying isn't that what you told him?</p> <p>19 A. No.</p> <p>20 Q. At some point you worked for a chiropractic clinic; is that</p> <p>21 true?</p> <p>22 A. Yes.</p> <p>23 Q. And where is that clinic located?</p> <p>24 A. It was on the main street in Lapeer, on 24.</p> <p>25 Q. And is this in close proximity to Countrywide Mortgage?</p>

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<p style="text-align: right;">Page 34</p> <p>1 A. Yes. 2 Q. And isn't that where Mr. Skodak worked? 3 A. Yes. 4 Q. And isn't it true that Mr. Skodak worked at Countrywide at 5 the same time that you were working at Countrywide -- or, I'm 6 sorry, at the chiropractic clinic? 7 A. Yes. 8 Q. And when did you leave Countrywide -- or I'm sorry -- the 9 chiropractic clinic? 10 A. I think I left there -- it would have been in December of 11 2005. 12 Q. December. 13 Isn't it true that there was an occasion after you had 14 broken up that you went into Countrywide Mortgage and there was 15 an altercation between yourself and Mr. Skodak? 16 A. Yes. It was a planned meeting. 17 Q. But there was an altercation? 18 A. Yes. 19 Q. And isn't it true that you were asked to leave? 20 A. By him. 21 Q. Isn't it true that you were asked to leave by others? 22 A. I don't remember that. 23 Q. Isn't it also true -- your previous testimony here today 24 was that when the two of you were together, Mr. Skodak and you, 25 there were certain items regarding -- pertaining to this</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Isn't it true that it was more than six months, in fact, 2 about eight months, after he supposedly made these statements 3 to you that you signed your verified statement? 4 A. Yes. 5 Q. And this was after all of the other incidents that we had 6 just spoken about here today? 7 A. Right. 8 Q. Isn't it true, you previously testified that it's your 9 contention that Mr. Skodak stated to you that he would give 10 Derrick Bruce a cut of the money? 11 A. Yes. 12 Q. But it's also true you never claim that he said he would 13 give him a cut of the money for lying in this lawsuit; isn't 14 that true? 15 A. That is true. 16 Q. In fact, Mr. Skodak never told you that; is that correct? 17 A. Yes. 18 Q. You do not hold any sort of degree in psychology or therapy 19 or anything like that? 20 A. No. 21 Q. So you're not equipped to assess whether someone's 22 suffering from depression or not; is that also correct? 23 A. Right. 24 MS. BROOKS-SZACHTA: I believe I have no further 25 questions, Your Honor.</p>
<p style="text-align: right;">Page 35</p> <p>1 lawsuit laying around the house. And isn't it true that you, 2 for example, weren't given permission to read the journal but, 3 in fact, you decided upon yourself that you would read the 4 journal? 5 A. Yes. 6 Q. So, in other words, he didn't ask you to read the journal? 7 A. No. 8 Q. It's also true that you didn't know Mr. Skodak during the 9 entire time he was working at Motel 6? 10 A. No. 11 Q. Isn't it true that you've never spoken to Derrick Bruce 12 regarding this lawsuit? 13 A. True. 14 Q. Isn't it also true that -- well, your previous testimony 15 that it was about -- during the time that Mr. Skodak was about 16 to have his deposition, that he supposedly told you that he had 17 made up most of the allegations in this lawsuit; it was about 18 that time, correct? And isn't it -- I'm sorry. Could you -- 19 A. Yes. 20 Q. So that, in fact, you didn't come forward with these 21 allegations against Mr. Skodak making up stuff in this lawsuit 22 until about six months after you'd broken up? 23 A. I never came forward though. 24 Q. You didn't sign your verified -- let me rephrase. 25 A. Okay.</p>	<p style="text-align: right;">Page 37</p> <p>1 THE COURT: Thank you. 2 Any redirect? 3 REDIRECT EXAMINATION 4 BY MR. MAZZOLI: 5 Q. During the time you were dating and living together did 6 Mr. Skodak -- 7 THE COURT: You got to speak a little louder, please. 8 MR. MAZZOLI: Sorry. 9 BY MR. MAZZOLI: 10 Q. During the time you and Mr. Skodak were dating and living 11 together did Mr. Skodak have any crying spells? 12 A. No. 13 Q. Did he have any trouble sleeping? 14 A. No. 15 Q. Did he complain of any pains in his stomach? 16 A. No. 17 Q. Did he seem generally in a good mood or bad mood? 18 A. I would say he was content most of the time is I would 19 describe it. 20 Q. Who had -- in whose name was the house? Who had title to 21 the house? 22 A. I did. 23 Q. And Mr. Skodak was also on that title? 24 A. He was only on the title. 25 Q. Well, only on the title.</p>

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<p style="text-align: right;">Page 38</p> <p>1 THE COURT: What do you mean only on the title? You 2 were both on the title?</p> <p>3 THE WITNESS: We were both on the title, and my name 4 was solely on the mortgage.</p> <p>5 THE COURT: Right.</p> <p>6 BY MR. MAZZOLI:</p> <p>7 Q. So you were solely responsible for the mortgage; is that 8 right?</p> <p>9 A. Right.</p> <p>10 Q. And who made all the mortgage payments?</p> <p>11 A. I did.</p> <p>12 MS. BROOKS-SZACHTA: Objection, Your Honor. Again, 13 this goes to relevance.</p> <p>14 THE COURT: Overruled.</p> <p>15 MR. MAZZOLI: Come on.</p> <p>16 BY MR. MAZZOLI:</p> <p>17 Q. Did you make all the payments for the mortgage?</p> <p>18 A. Yes.</p> <p>19 Q. Did you miss any payments?</p> <p>20 A. No.</p> <p>21 Q. Did Mr. Skodak contribute to any of the payments?</p> <p>22 A. No.</p> <p>23 Q. You were asked about calls to his cell phone.</p> <p>24 A. Yes.</p> <p>25 Q. After you broke up why were you calling Mr. Skodak?</p>	<p style="text-align: right;">Page 40</p> <p>1 payments for that yet.</p> <p>2 Q. With respect to the checks, did you ever give him 3 permission to take your checks or sign your name to the checks?</p> <p>4 A. No.</p> <p>5 Q. So you were calling him on the phone to get repaid on some 6 of these monies?</p> <p>7 A. Right.</p> <p>8 Q. And what was he saying with respect to the repayment? Was 9 he telling you he was going to do it or not going to do it?</p> <p>10 A. In the beginning he told me he was going to pay me the 11 money, but then after a little bit of time, after I had moved 12 out, he told me he didn't owe me anything, and I didn't receive 13 any money.</p> <p>14 Q. Why'd you go to Countrywide?</p> <p>15 A. I went to Countrywide to receive payment for a cell phone 16 bill that he owed me for.</p> <p>17 Q. Did you just show up at Countrywide? How is it you ended 18 up there?</p> <p>19 A. He told me to come in and he would have the money for me. 20 I went in. He didn't have the money, and I was a little upset 21 about that.</p> <p>22 Q. And did he get upset also?</p> <p>23 A. Yes, he did.</p> <p>24 Q. Was he raising his voice also?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 39</p> <p>1 A. I would call Mr. Skodak because he owed me quite a bit of 2 money that I -- he told me he would pay me on different 3 occasions. I never received payment, so I was just calling to 4 ask him about that.</p> <p>5 Q. And why -- what were some of the things he owed you money 6 for?</p> <p>7 A. He owed me money for the stolen checks, that we're still 8 going through with that today.</p> <p>9 MS. BROOKS-SZACHTA: Objection, Your Honor. That 10 matter has not been decided. I mean she's making allegations 11 the checks were stolen. There's been no case settled on that 12 matter.</p> <p>13 MR. MAZZOLI: She's opened the door to this.</p> <p>14 THE COURT: Right. I'll overrule the objection.</p> <p>15 BY MR. MAZZOLI:</p> <p>16 Q. And what other -- and for what other reasons did Mr. Skodak 17 owe you money?</p> <p>18 A. When we lived in the house, there were bills in his name or 19 both of our names. I paid those bills, and I -- we have a 20 civil case where I'm just asking for half of that back since we 21 had access to the services that we paid for when we lived 22 there.</p> <p>23 Q. And, incidentally, what was the result of that case?</p> <p>24 A. That result, there was a judgment in my favor. He 25 defaulted. He didn't show up, and I haven't received any</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. There was a discussion at the time you went to the home and 2 Ms. Janet Baumgardner was present. Did Mr. Skodak get upset at 3 that time?</p> <p>4 A. Yes.</p> <p>5 Q. Was he raising his voice?</p> <p>6 A. Yes.</p> <p>7 Q. Now, as you mentioned, you were making all the payments in 8 the house, you had title on the house. Did you feel any 9 obligation to ask Mr. Skodak permission to go into the house?</p> <p>10 A. Absolutely not.</p> <p>11 Q. Why not?</p> <p>12 A. Because I owned the house.</p> <p>13 Q. Mr. Skodak saw you reading his journal?</p> <p>14 A. I think he seen me look through it. I don't know if he's 15 seen me read it intently. But I know he has seen this in my 16 hand before.</p> <p>17 Q. Did he ever tell you, "Hey, I don't want you looking at 18 that journal, put that down"?</p> <p>19 A. No.</p> <p>20 MR. MAZZOLI: No further questions.</p> <p>21 THE COURT: Thank you.</p> <p>22 Any redirect? I mean recross.</p> <p>23 MS. BROOKS-SZACHTA: No, Your Honor. I don't believe 24 I have any further questions.</p> <p>25 THE COURT: Thank you. You may step down. You can</p>

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<p style="text-align: right;">Page 42</p> <p>1 take the exhibit with you and give it to Mr. Mazzoli. 2 (Witness excused, 10:51 a.m.) 3 THE COURT: Any other witnesses? 4 MR. MAZZOLI: I do. Would call Carolyn Ritchie. 5 THE COURT: Okay. Is that l-i-n-e of l-y-n? 6 MS. RITCHIE: L-y-n. 7 THE COURT: Raise your right hand. 8 (Carolyn Ritchie, sworn, 10:52 a.m.) 9 THE COURT: Take the witness chair. Speak in a loud 10 voice, please.</p> <p style="text-align: center;">DIRECT EXAMINATION</p> <p>11 BY MR. MAZZOLI: 12 Q. Would you state your name for the record. 13 A. Carolyn Ritchie. 14 Q. And you are an attorney, correct? 15 A. Yes. 16 Q. Where'd you graduate from law school? 17 A. Southern Methodist University. 18 Q. And when did you graduate from there? 19 A. 1996. 20 Q. Since graduating from law school, have you worked as an 21 attorney continuously? 22 A. Yes. 23 Q. Where'd you work after law school? 24 A. I worked at a large law firm in Dallas named Thompson and</p>	<p style="text-align: right;">Page 44</p> <p>1 guest matters, typically personal injury litigation, slip and 2 falls, things of that nature. 3 Q. So you've been a practicing attorney for approximately ten 4 years? 5 A. Right. 6 Q. And you've been working in the area of employment law for 7 about ten years? 8 A. Correct. 9 Q. In your position at Accor just generally what are your 10 duties there? 11 A. Well, as I said, I do provide advice to our in-house 12 operations people with respect to either guests or safety and 13 security, employment matters, full range there and also manage 14 litigation and other claims against the company. 15 Q. The parties in this case voluntarily engaged in a 16 facilitative mediation in January, 2006, correct? 17 A. Yes. 18 Q. Did you ever attend mediation? 19 A. Yes. 20 Q. In advance of the mediation did you review the mediation 21 summary that was submitted by Mr. Skodak's attorney? 22 A. Yes. 23 MR. MAZZOLI: Permission to approach the witness? 24 THE COURT: First show it to Plaintiff's counsel. 25 MR. MAZZOLI: Yes.</p>
<p style="text-align: right;">Page 43</p> <p>1 Knight. 2 Q. And when working for them, did your practice, legal 3 practice, focus on any particular area of the law? 4 A. I was an associate in the firm's labor and employment 5 section. 6 Q. Where did you go to work after that? 7 A. Accor North America. 8 THE COURT: That's spelled A-c-c-o-r? 9 THE WITNESS: Correct. 10 BY MR. MAZZOLI: 11 Q. And what is Accor North America? 12 A. It is a corporation that has economy and upscale lodging in 13 the United States, Mexico and Canada. 14 Q. And what's Accor's relationship to Motel 6? 15 A. I guess you could say it's basically the parent company. 16 It's the general partner of Motel 6 Operating LP. 17 Q. And when did you start at Accor? 18 A. July of 2003. 19 Q. And in what position? 20 A. Staff counsel. 21 Q. At Accor was your practice, legal practice, focused in any 22 particular area? 23 A. I handle labor employment matters both dealing with 24 litigation or administrative charges against the company and 25 advising our HR and operations people, and then I also handle</p>	<p style="text-align: right;">Page 45</p> <p>1 THE COURT: Any objection? 2 MS. BROOKS-SZACHTA: No, Your Honor. 3 THE COURT: Okay. Why don't you identify what it is, 4 sir. 5 MR. MAZZOLI: Yeah. I have Exhibit 500 that we've 6 already admitted. 7 THE COURT: Oh, the initial, the journal? 8 MR. MAZZOLI: Yeah. 9 THE COURT: Thank you. Go ahead. 10 BY MR. MAZZOLI: 11 Q. I've handed you what has been previously marked as 12 Defendant's Exhibit 500. 13 THE COURT: Wait a minute. One's enough. Go ahead. 14 BY MR. MAZZOLI: 15 Q. I've handed you what has been previously marked as 16 Defendant's Exhibit 500, a journal that's been identified as 17 the journal that Mr. Skodak prepared. Had you ever seen this 18 document before the mediation? 19 A. Yes. 20 Q. And as part of overseeing this litigation, would you 21 receive periodically various documents in this litigation? 22 A. Yes. 23 Q. Did you ever see any counseling records? 24 A. Yes. 25 Q. And what counseling records were those?</p>

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<p style="text-align: right;">Page 46</p> <p>1 A. Well, they were records from a counseling service that 2 Mr. Skodak had visited while he was still employed with 3 Motel 6. 4 MS. BROOKS-SZACHTA: No objection. 5 BY MR. MAZZOLI: 6 Q. I'm going to hand you proposed Defendant's Exhibit 502. 7 Can you identify that document for me? 8 A. Well, these were documents that we received in the course 9 of the litigation from Christian Family and Mental Health 10 Service. 11 MR. MAZZOLI: I move to admit Defendant's Exhibit 502. 12 THE COURT: Any objection? 13 MS. BROOKS-SZACHTA: No objection, Your Honor. 14 THE COURT: Admit. 15 BY MR. MAZZOLI: 16 Q. And had you reviewed these records prior to the January 19, 17 2006, mediation? 18 A. Yes. 19 Q. Did the parties settle the case at the mediation? 20 A. No. 21 Q. What was Mr. Skodak's final offer? 22 A. \$60,000. 23 Q. And what was Accor's final offer? 24 A. 30,000. 25 Q. After the mediation there were further settlement</p>	<p style="text-align: right;">Page 48</p> <p>1 strengths? 2 A. I certainly did consider the fact of the -- that he had 3 sought counseling during his employment and had records to show 4 that. 5 Q. And why did you find that to be significant? 6 A. Well, because a large -- the significant portion of his 7 damages related to emotional distress, so the counseling 8 documents certainly were relevant to that and same thing with 9 the journal, I mean that it was a contemporaneous document 10 describing alleged incidents and management's nonresponse 11 during his employment at Motel 6. 12 Q. In the course of overseeing employment cases on behalf of 13 Accor, are these the types of documents you typically see? 14 A. It's unusual. I mean in ten years of handling labor and 15 employment matters, it's not usual to receive a lengthy journal 16 or any really even much of a journal at all or the counseling 17 documents. I see a lot of Plaintiffs who never go to 18 counseling. 19 Q. Now, as we know, we're here today because Accor 20 subsequently withdrew from the settlement agreement? 21 A. Correct. 22 Q. What precipitated the decision to withdraw from the 23 settlement agreement? 24 A. Information that we received that indicated that, in fact, 25 the journal was a false document. It was not created on the</p>
<p style="text-align: right;">Page 47</p> <p>1 discussions; is that correct? 2 A. Yes. 3 Q. And eventually did the parties reach a settlement 4 agreement? 5 A. Yes. It wasn't in writing, but -- 6 Q. Right. In what amount? 7 A. I'm sorry? 8 Q. In what amount? 9 A. 30,000. 10 Q. Is \$30,000, is that an amount you consider a nuisance value 11 for an employment case? 12 A. No. 13 Q. Is that an amount you would pay for an employment case you 14 thought was frivolous? 15 A. No. 16 Q. Why did you authorize a settlement in the amount of 17 \$30,000? 18 A. Well, the settlement offer was based on an assessment of 19 the relative strengths and weaknesses of the party's position 20 and with consideration given as well to the cost of moving 21 forward and the risk of an adverse jury verdict. 22 Q. And when you consider the -- as you were making your 23 consideration whether to settle and you were considering some 24 of the strengths of Mr. Skodak's case, what were some of the 25 things that you relied on and perceived as some of the</p>	<p style="text-align: right;">Page 49</p> <p>1 dates that it purported to be created and contained untruths in 2 it and that also the communications to the counseling service 3 were not true as well. 4 Q. And what was the source of this information? 5 A. Well, it was -- ultimately came through Ms. Pilarski. 6 Q. And you're familiar with Ms. Pilarski's February 2nd, 2006, 7 verified statement? 8 A. Yes. 9 Q. At the time you authorized the \$30,000 settlement were you 10 aware of the allegations contained in that verified statement? 11 A. No. 12 Q. Why'd you decide to withdraw from the settlement? 13 A. Well, I can't -- you know, as an attorney admitted to the 14 bar and as an attorney for Accor North America, I can't justify 15 and am not willing to move forward with a settlement like that 16 knowing that it's based on false statements. 17 Q. Now, as Mr. Skodak's counsel has pointed out, Accor was 18 attacking Mr. Skodak's credibility in the law. You know, 19 aren't these allegations for Ms. Pilarski just simply more 20 cumulative evidence that further attacks his credibility? 21 A. Well, the issues that had been raised with respect to 22 Mr. Skodak's credibility were certainly relevant to us, but 23 they didn't deal with the central allegations, the fundamental 24 basis for the lawsuit like Miss Pilarski's information. I mean 25 the inconsistencies that we determined with Mr. Skodak dealt</p>

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<p style="text-align: right;">Page 50</p> <p>1 more with issues around his educational level and schooling. 2 Q. Had you known about these allegations, would you have 3 entered into the settlement? 4 A. No. 5 Q. And why not? 6 A. I just -- I would never settle a lawsuit where I had 7 information that I believed was correct that the Plaintiff had 8 essentially committed perjury, lied about the fundamental 9 allegation of his lawsuit.</p> <p>10 MR. MAZZOLI: I have no further questions. 11 THE COURT: Cross-exam?</p> <p>12 CROSS-EXAMINATION</p> <p>13 BY MS. BROOKS-SZACHTA:</p> <p>14 Q. Good morning, Ms. Ritchie. You had just testified that one 15 of the considerations that supposedly led you to enter into the 16 \$30,000 settlement agreement was the journal that you state was 17 contemporaneous with the incidents and written contemporaneous 18 with the incidents and Motel 6's nonresponsiveness. Is that 19 correct, that was your testimony?</p> <p>20 A. Right.</p> <p>21 Q. Are you saying now that you believed the allegations as 22 contained in the journal?</p> <p>23 A. I didn't know whether they were true.</p> <p>24 Q. So you thought they could be true; is that what you're 25 saying?</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Isn't it true that this case was originally filed asking 2 for \$250,000? 3 A. Right. 4 Q. Isn't it true that any representations regarding 5 Mr. Skodak's, say, education had absolutely no part in your 6 decision whether to settle or not to settle this case? 7 A. I wouldn't say they had no part. I mean I looked at the 8 totality of -- 9 Q. So what you're saying, any allegation that Mr. Skodak said 10 that he had went to U of M had a part in inducing you to enter 11 into the settlement agreement? 12 A. No. I looked -- in assessing the party's relative 13 strengths and weaknesses, I looked at all of the information. 14 Q. But I'm asking specifically about his education. 15 MR. MAZZOLI: Objection. 16 BY MS. BROOKS-SZACHTA: 17 Q. I mean that was a statement in the verified statement that 18 that was something that induced them to settlement. Did that 19 induce you to settle, the statement that he went to U of M? 20 MR. MAZZOLI: Objection. One, she's already asked and 21 answered the question. Two, the verified statement doesn't say 22 anything about inducement. It just says, "Mr. Skodak told me 23 he went to U of M." That's all the statement says. So it 24 doesn't say anything about inducing anyone. 25 THE COURT: No, but the attorney, opposing counsel, is</p>
<p style="text-align: right;">Page 51</p> <p>1 A. I didn't know. 2 Q. You had your doubts? 3 A. I didn't know whether they were true or not. 4 Q. What about the counseling records, are you stating that you 5 believed that Mr. Skodak sought counseling? 6 A. I believe that he had gone to the counseling service, yes. 7 Q. And you're not challenging that here today, correct? 8 A. Right. 9 Q. Are you saying that you believed the statements that 10 Mr. Skodak made to his counselor prior to the testimony of 11 Ms. Pilarski? 12 A. I assumed that the statements -- that the records 13 accurately reflected what he had told them. 14 Q. Uh-huh. 15 So you're saying that you believe that the records 16 accurately reflect what he told the counselor, but my question 17 is if you believed that they were true, the things that he told 18 the counselor? 19 A. I didn't know whether they were true. 20 Q. You didn't know. 21 Isn't it true, however, that in conducting this cost 22 risk analysis of whether to settle, it was actually your lack 23 of belief in the merits of Mr. Skodak's sexual harassment case 24 that caused you not to settle this case for a higher amount? 25 A. No.</p>	<p style="text-align: right;">Page 53</p> <p>1 asking whether that statement was an inducement for the witness 2 to settle the lawsuit. 3 Is that your question? 4 MR. MAZZOLI: I believe she's answered that question a 5 couple of times now. 6 MS. BROOKS-SZACHTA: Well, I've not gotten a yes-or-no 7 answer. I'm still not clear whether it did induce -- 8 THE COURT: I think she said it was part of the 9 totality of the material before you in consideration, but if 10 you want to reask the question. 11 MS. BROOKS-SZACHTA: No, Your Honor. I don't need to 12 do that. 13 BY MS. BROOKS-SZACHTA: 14 Q. Now, in addition to the journals and the counseling 15 records, you also received other documentary evidence in this 16 case as well; is that not correct? 17 A. Right. 18 Q. And among those pieces of evidence, there were letters that 19 were written to Accor from Mr. Skodak as well? 20 A. Correct. 21 Q. And wouldn't you agree that those letters also deal with 22 the fundamental issue of the case, namely, a notice of sexual 23 harassment to superiors at Motel 6 and Accor? 24 A. Yes. 25 MS. BROOKS-SZACHTA: Your Honor, I don't believe I</p>

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<p>Page 54</p> <p>1 have any further questions.</p> <p>2 THE COURT: Any re, redirect? Based on the cross?</p> <p>3 MR. MAZZOLI: Yeah.</p> <p>4 REDIRECT EXAMINATION</p> <p>5 BY MR. MAZZOLI:</p> <p>6 Q. At the time you had any -- at the time you entered into the 7 settlement --</p> <p>8 THE COURT: A little louder.</p> <p>9 BY MR. MAZZOLI:</p> <p>10 Q. At the time you entered into -- agree to approve the 11 settlement did you have any information that the journal was 12 false?</p> <p>13 A. No.</p> <p>14 Q. In that journal did it have any role in weighing the 15 credibility of Mr. Skodak?</p> <p>16 A. It did. It was a significant document to me.</p> <p>17 Q. And how is the information that Miss Pilarski provided to 18 you about the journal different than any of the other attacks 19 on his credibility?</p> <p>20 A. Well, because the journal concerns -- the allegation in the 21 lawsuit of sexual harassment having occurred, the emotional 22 distress, he said he experienced, the impact on his personal 23 relationships, Motel 6 not responding to complaints. I mean 24 it's basically the whole merits of the case.</p> <p>25 MR. MAZZOLI: I have no further questions.</p>	<p>Page 56</p> <p>1 Pilarski, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And how are you acquainted with Miss Pilarski?</p> <p>4 A. She's my ex-girlfriend.</p> <p>5 Q. And how long did you date Miss Pilarski?</p> <p>6 A. Approximately two years.</p> <p>7 Q. Do you recall the time frame in which you dated her, the 8 years?</p> <p>9 A. It was '03 through '05.</p> <p>10 Q. Okay. When in '05 did the relationship end?</p> <p>11 A. If I wasn't mistaken, it was August of '05.</p> <p>12 Q. And how would you characterize your relationship with 13 Carissa during the time that you were dating?</p> <p>14 A. It was rocky. It was up and down.</p> <p>15 Q. And why was it rocky?</p> <p>16 A. Well, there was -- there's big trust issues. There was a 17 lot of jealousy.</p> <p>18 Q. And you say trust issues with regard to what?</p> <p>19 A. My nature of being -- just being loyal to her.</p> <p>20 Q. So cheating?</p> <p>21 A. Yes, cheating.</p> <p>22 Q. And you stated that the relationship ended approximately 23 August, '05. Who ended the relationship?</p> <p>24 A. It was mutual.</p> <p>25 Q. Can you describe what led to the end of that relationship</p>
<p>Page 55</p> <p>1 MS. BROOKS-SZACHTA: No recross, Your Honor.</p> <p>2 THE COURT: Okay. Thank you. You may step down.</p> <p>3 Why don't you take the exhibit with you, please.</p> <p>4 (Witness excused, 11:09 a.m.)</p> <p>5 THE COURT: Okay. Any additional witnesses?</p> <p>6 MR. MAZZOLI: No, Your Honor.</p> <p>7 THE COURT: Plaintiff have any witnesses?</p> <p>8 MS. BROOKS-SZACHTA: Yes, Your Honor. I would call 9 Jeffrey Skodak.</p> <p>10 THE COURT: Okay. Let's take a ten-minute break and 11 then we'll continue.</p> <p>12 (Court in recess, 11:09 a.m.)</p> <p>13 (Back on the record at 11:22 a.m.)</p> <p>14 THE COURT: Please be seated.</p> <p>15 MS. BROOKS-SZACHTA: Your Honor, I'd like to call to 16 the stand Jeffrey Skodak.</p> <p>17 THE COURT: Okay. Please raise your right hand.</p> <p>18 (Jeffrey Skodak, sworn, 11:23 a.m.)</p> <p>19 THE COURT: Please take the witness chair. Speak in a 20 loud voice.</p> <p>21 DIRECT EXAMINATION</p> <p>22 BY MS. BROOKS-SZACHTA:</p> <p>23 Q. Mr. Skodak, you are the Plaintiff in this case, correct?</p> <p>24 A. Yes.</p> <p>25 Q. And you heard testimony this afternoon from Ms. Carissa</p>	<p>Page 57</p> <p>1 or the termination of the relationship?</p> <p>2 A. An example, like what was the final -- I mean I don't 3 understand --</p> <p>4 Q. What caused you to break up?</p> <p>5 A. We had a big altercation where she physically assaulted me, 6 and the relationship we decided was done.</p> <p>7 Q. What led to this physical altercation?</p> <p>8 A. Well, one night she went out to the bar with her friends. 9 She came home late. I was upset because I didn't receive a 10 phone call from her. She decided to take a shower. Her phone 11 rang. We had matching phones at the time, Verizon phones, and 12 some guy had called her, stated that he had met her that night 13 at the bar and he was wondering what was going on. Then I was 14 like, well, I'm her boyfriend. He was very apologetic about 15 the thing. So then I asked her about this and --</p> <p>16 Q. And then what happened?</p> <p>17 A. It was angry. Both were saying stuff back to -- and forth 18 to each other. She was saying it was no big deal, it was just 19 some guy that she met up at the bar and whatever.</p> <p>20 Q. Okay. Was it at that time that you decided she would -- 21 that one of you would move out of the home?</p> <p>22 A. We didn't decide exactly which one would be leaving the 23 home at that time, but what we did decide was that our 24 relationship was done at that time.</p> <p>25 Q. And when did -- at some point Miss Pilarski moved from the</p>

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<p>1 home; correct?</p> <p>2 A. Correct.</p> <p>3 Q. And when was that?</p> <p>4 A. It would have been in August.</p> <p>5 Q. Of 2005?</p> <p>6 A. '05, yes.</p> <p>7 Q. Did you at some point begin seeing another woman around 8 that time that you and Miss Pilarski had broken up?</p> <p>9 A. Yes.</p> <p>10 Q. And who was that woman?</p> <p>11 A. That was Janet Baumgardner.</p> <p>12 Q. And at any point after you -- I'm sorry. Are you still 13 residing in the home that you had shared with Miss Pilarski?</p> <p>14 A. No.</p> <p>15 Q. When did you move from that home?</p> <p>16 A. That would have been two months after that. So it was 17 September, October, into November actually I think it was. 18 Closer to November.</p> <p>19 Q. So in the time period from August, when you broke up, to 20 the time you moved from the home, did Miss Pilarski ever return 21 to the home?</p> <p>22 A. Yes.</p> <p>23 Q. Approximately how many times in that time period did she 24 return to the home?</p> <p>25 A. I can't be sure. It was a lot of times.</p>	<p>1 it was late at night when she showed up, Carissa showing up, 2 and she was just yelling and screaming, cursing about she 3 wanted her out of there, and it was that instance.</p> <p>4 Q. Was she yelling about anything else other than Janet being 5 in the home?</p> <p>6 A. She was just yelling at me, calling me names and --</p> <p>7 Q. Okay. And do you remember approximately when this took 8 place?</p> <p>9 A. Had to be towards the end of August, early September.</p> <p>10 Q. Okay. Besides that example that you just gave, were 11 there -- how else did she react to you dating Janet 12 Baumgardner?</p> <p>13 A. She wasn't happy about it. She was --</p> <p>14 Q. How do you know she wasn't happy?</p> <p>15 A. Well, different phone calls, stalking me around town, 16 different bars that I went to, being in different places that I 17 was at. Like and there was no way she would know I'd be there.</p> <p>18 I don't know even know how that happened. One instance I came 19 back home with Janet. She kicked my car.</p> <p>20 Q. How do you know she kicked your car?</p> <p>21 A. I watched her kick my car. It was broad daylight.</p> <p>22 Q. Were there any other instances that made you believe that 23 she was not happy about you -- believe you said she was not 24 happy about it, dating Janet Baumgardner?</p> <p>25 A. Well, she would tell me, you know what I mean, in so many</p>
<p>1 THE COURT: A little slower.</p> <p>2 THE WITNESS: Sorry.</p> <p>3 BY MS. BROOKS-SZACHTA:</p> <p>4 Q. Did you give her permission to enter the home?</p> <p>5 A. No.</p> <p>6 Q. Did she do so without your knowledge?</p> <p>7 A. Yes.</p> <p>8 Q. Who was -- were you ever present at times that she entered 9 the home?</p> <p>10 A. Yes.</p> <p>11 Q. Was anyone else there?</p> <p>12 A. Yes.</p> <p>13 Q. Who else was there at times that she entered the home?</p> <p>14 A. Janet was there, Janet Baumgardner was there before.</p> <p>15 Q. About how many times would you say that took place?</p> <p>16 A. That took place about three times.</p> <p>17 Q. Okay. Did anything happen during those instances?</p> <p>18 A. There was an altercation, yes.</p> <p>19 Q. And why -- do you know why she came back to the home, Miss 20 Pilarski, during those times?</p> <p>21 A. To be honest, I have no idea.</p> <p>22 Q. You stated there was an altercation?</p> <p>23 A. Yeah.</p> <p>24 Q. Can you describe it?</p> <p>25 A. Janet was sleeping and she was in the house sleeping, and</p>	<p>1 ways. She was angry, jealous, yelling, screaming at me about 2 it. I mean it --</p> <p>3 Q. I'm sorry. Go ahead.</p> <p>4 A. I'm sorry. That's the way I take it.</p> <p>5 Q. You stated that -- let's go back to talking about how she 6 would enter the house without your permission. How do you 7 know -- I'm sorry. Were there times that she had entered it 8 when you weren't there?</p> <p>9 A. Yes.</p> <p>10 MR. MAZZOLI: Objection. Calls for speculation. How 11 does he know?</p> <p>12 MS. BROOKS-SZACHTA: Well, I'm going to ask that.</p> <p>13 BY MS. BROOKS-SZACHTA:</p> <p>14 Q. How would you know that?</p> <p>15 A. Because when I came back home from being gone, she would be 16 there.</p> <p>17 Q. How many times did that happen?</p> <p>18 A. Five or six different times.</p> <p>19 Q. Did anything -- any altercations happen on those instances?</p> <p>20 A. No. I would make phone calls. I was being tricked. Like 21 she'd park a car down the road, and then she'd go out with her 22 friends and hide inside the house. One night I came home and I 23 seen candles, and I was with my friends in the cars, and they 24 were burning in my house, but my lights were off. I drove down 25 the road because I was a little bit suspicious of it.</p>

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<p style="text-align: right;">Page 62</p> <p>1 THE COURT: A little lower.</p> <p>2 THE WITNESS: I'm sorry, sir.</p> <p>3 A. And I was a little suspicious. So I drove down the road,</p> <p>4 noticed her car was there, made the phone call. She pretended</p> <p>5 like she wasn't there. I was like, "I see your car. You're</p> <p>6 here," and --</p> <p>7 BY MS. BROOKS-SZACHTA:</p> <p>8 Q. Did you ever ask her to leave?</p> <p>9 A. Yes.</p> <p>10 Q. How many of these times did you ask her to leave?</p> <p>11 A. Every time.</p> <p>12 Q. Did she?</p> <p>13 A. Yes.</p> <p>14 Q. Was there -- during this time period after you broke up</p> <p>15 with Miss Carissa Pilarski was there any behaviors on the part</p> <p>16 of Miss Pilarski other than what we have previously mentioned</p> <p>17 that you would perceive as threatening?</p> <p>18 A. Well, she's called me up and threatened me if I didn't come</p> <p>19 back to the house so we could discuss business matters of</p> <p>20 sorts, that she would get me in trouble, she would, you know,</p> <p>21 try to ruin my life and --</p> <p>22 Q. Okay. And in addition to the altercations between yourself</p> <p>23 and Miss Pilarski and Miss Pilarski and Janet Baumgardner did</p> <p>24 you ever witness any other altercations between Miss Pilarski</p> <p>25 and anyone else?</p>	<p style="text-align: right;">Page 64</p> <p>1 work?</p> <p>2 A. Well, she waited tables for a while at a place called White</p> <p>3 Horse in Metamora, and then she got a job at the chiropractor</p> <p>4 company.</p> <p>5 Q. And where was the company located?</p> <p>6 A. Two doors down from where I was employed at Countrywide.</p> <p>7 Q. Did she begin working there before or after you two had</p> <p>8 gone your separate ways?</p> <p>9 A. Just a little before.</p> <p>10 Q. And was there ever a time when she would come to</p> <p>11 Countrywide?</p> <p>12 A. Yes.</p> <p>13 Q. And when was that?</p> <p>14 A. She would come during the month of August and September.</p> <p>15 She would come into the office, and we'd have, you know, heated</p> <p>16 debate, discussing stuff, you know, what was going on. A lot</p> <p>17 of it was just asking questions as far as where I stood with</p> <p>18 Janet Baumgardner, if we were dating, what our relationship</p> <p>19 status was.</p> <p>20 Q. You heard testimony from Miss Pilarski that there was a</p> <p>21 prearranged meeting. Was there a prearranged meeting?</p> <p>22 A. Yes, there was, but it was not at Countrywide.</p> <p>23 Q. But at Countrywide is what I'm asking.</p> <p>24 A. No.</p> <p>25 Q. And what happened -- strike that.</p>
<p style="text-align: right;">Page 63</p> <p>1 A. I don't recall her with anybody, no.</p> <p>2 Q. Was there an occasion where Miss Pilarski showed up at your</p> <p>3 home and she appeared to be intoxicated?</p> <p>4 MR. MAZZOLI: Objection, leading.</p> <p>5 THE COURT: I'll sustain the objection.</p> <p>6 BY MS. BROOKS-SZACHTA:</p> <p>7 Q. What was Miss Pilarski's condition when she would show up</p> <p>8 at your home?</p> <p>9 A. Sometimes she would be intoxicated. Sometimes she wasn't.</p> <p>10 Just angry, upset. It was never a good time.</p> <p>11 Q. You heard testimony earlier regarding Miss Pilarski. She</p> <p>12 testified to putting certain items of property by the road.</p> <p>13 Can you tell us what those items of property were; do you</p> <p>14 recall?</p> <p>15 A. She would put -- there was like lamps, different materials</p> <p>16 like my mother had left in the house for us, just things that</p> <p>17 would belong -- it would be the property that I would take with</p> <p>18 me if I decided I was going to leave.</p> <p>19 Q. Now, there was a time when you were working at -- was there</p> <p>20 a time when you were working at Countrywide Mortgage?</p> <p>21 A. Yes.</p> <p>22 Q. And when was that?</p> <p>23 A. Approximately the end -- or June of '05.</p> <p>24 Q. And any time during -- did you work there af -- well, at</p> <p>25 any time you worked at Countrywide, where did Miss Pilarski</p>	<p style="text-align: right;">Page 65</p> <p>1 You previously testified that Miss Pilarski, after you</p> <p>2 broke up, would call on your cell phone; is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. How many times did that happen during the time after you</p> <p>5 broke up?</p> <p>6 A. I couldn't be certain for a number. It was a lot of times.</p> <p>7 Q. And would she leave messages?</p> <p>8 A. Yes.</p> <p>9 Q. And what was the subject matter of those messages?</p> <p>10 A. She would be yelling. She would be --</p> <p>11 THE COURT: Slower.</p> <p>12 THE WITNESS: I'm sorry.</p> <p>13 THE COURT: Thank you.</p> <p>14 A. She would be yelling.</p> <p>15 THE COURT: Not lower but slower.</p> <p>16 THE WITNESS: Sorry.</p> <p>17 A. She'd be yelling, threatening, screaming, leaving me vulgar</p> <p>18 messages.</p> <p>19 BY MS. BROOKS-SZACHTA:</p> <p>20 Q. There was previous testimony that you two owned a home</p> <p>21 together. Did you own a home together?</p> <p>22 A. Yes.</p> <p>23 Q. And what was the address of that home if I haven't already</p> <p>24 asked?</p> <p>25 A. 1762 Carriage Lane.</p>

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<p style="text-align: right;">Page 66</p> <p>1 Q. And you also heard testimony from Ms. Pilarski that you 2 signed off on the mortgage; is that correct? 3 A. Yes. 4 Q. Can you tell us the terms of the agreement with regard to 5 the signing off of the mortgage? 6 MR. MAZZOLI: Objection, relevance in terms of signing 7 off on the mortgage. 8 THE COURT: Well, you went into it, so I'm going to 9 overrule. 10 A. I was supposed to sign -- 11 THE COURT: Go ahead. 12 A. I was supposed to sign off on a document that Carissa and 13 her father had decided upon, stating that I would receive a 14 thousand dollars for signing off on the title of the house, and 15 that was only allowed if everything was taken care of from the 16 past, like bills or anything that we agreed upon, me being 17 moved out at the approximate time. 18 BY MS. BROOKS-SZACHTA: 19 Q. And did you move at the time that you said you would? 20 A. Yes, the day of. I was kind of late getting out. 21 Q. Do you recall having signed the Complaint in this lawsuit? 22 A. Yes. 23 Q. And have you ever, as you sit here today, do you maintain 24 that you've never -- have you been completely truthful 25 regarding the allegation of the underlying sexual harassment</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Okay. Did Carissa ever read your journal to your 2 knowledge? 3 A. Yes. 4 Q. Okay. How do you know she read it? 5 A. Well, I came home one day and seen her going through a 6 bunch of my papers and whatnot in a box in a closet, so I 7 assumed that and we're here today based upon that. 8 Q. You never told Carissa that you made up the information in 9 the journal? 10 A. No. 11 Q. Do you know an individual named Derrick Bruce? 12 A. Yes. 13 Q. How do you know Derrick? 14 A. He was an old high school friend. 15 Q. You heard the allegation that Miss Pilarski has made that 16 you promised Derrick a cut of the money. Have you ever offered 17 Derrick a cut of any monies -- 18 A. No. 19 Q. -- received in this case? 20 A. Have you ever offered him any type of compensation? 21 A. No, nor have I given him anything. 22 Q. Did you and Derrick ever discuss the substance of his 23 deposition testimony, what he would testify to? 24 A. Only thing I told Derrick when he -- he said something, he 25 got subpoenaed to come to court is, "All you have to do is tell</p>
<p style="text-align: right;">Page 67</p> <p>1 case? 2 A. Yes. 3 Q. Did you ever tell anyone that you lied about the 4 allegations in this lawsuit? 5 A. No. 6 Q. During the time you were an employee at Motel 6 did you 7 ever document any of the events that occurred while you were an 8 employee? 9 A. Yes. 10 Q. And what form did you document these events? 11 A. I kept a journal. 12 Q. And in this journal did you date -- provide dates on the 13 journal? 14 A. Yes. 15 Q. Did you -- you heard testimony that Miss Pilarski's 16 alleging that you made up the dates in the journal. Did you 17 make up the dates in the journal? 18 A. No. 19 Q. Did you make up any of the facts in the journal? 20 A. No. 21 Q. What was the purpose of the journal? 22 A. The journal was for me to document what was going on with 23 me, how I felt about the situation. I just kept record of what 24 I was going through and all the different things that were 25 taking place at that time.</p>	<p style="text-align: right;">Page 69</p> <p>1 the truth." 2 Q. You never asked him to lie? 3 A. No. 4 Q. At one point you sought counseling; is that correct, or did 5 you? 6 A. Yes. 7 Q. And where was that? 8 A. That was in Lapeer, Christian Family Services. 9 Q. And when was that? 10 A. Probably started around -- I think it was January, February 11 of the second month of '03 or -- I don't know the exact dates. 12 Q. And for what purpose did you seek this counseling? 13 A. Well, I was very angry. I was very upset. I felt like I 14 wasn't being taken seriously and things that had happened and 15 transpired against me, and so I went to talk to a counselor, 16 talk to somebody about it. 17 Q. You heard the testimony from Miss Pilarski that you 18 supposedly told her that you lied to your counselor. What is 19 your response to that? 20 A. I never lied to my counselor. 21 Q. Did you ever tell her that you had lied to your counselor? 22 A. I never told her I lied to my counselor. 23 Q. Did you ever tell her -- you heard the allegation from Miss 24 Pilarski that you lied about taking prescription medication. 25 Did you ever tell her that you had not taken the prescription</p>

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<p style="text-align: right;">Page 70</p> <p>1 medication?</p> <p>2 A. No.</p> <p>3 Q. Did you ever at any point attend school -- I'm sorry. Did</p> <p>4 you ever -- scratch that.</p> <p>5 Did you ever attend any sort of schooling with Miss</p> <p>6 Pilarski?</p> <p>7 A. Yes.</p> <p>8 Q. Where was that?</p> <p>9 A. That was Mott Community College.</p> <p>10 Q. And did you have classes with her?</p> <p>11 A. No.</p> <p>12 Q. Did you attend at the same time?</p> <p>13 A. Yes.</p> <p>14 Q. Did she know you were there at the same time she was?</p> <p>15 A. Yes.</p> <p>16 Q. How do you know she knew this?</p> <p>17 A. Well, we talked about it when we'd come home, what was</p> <p>18 going on at school, classes. She'd have papers to write.</p> <p>19 Q. Let's go back to the time when you signed off on the lease</p> <p>20 agreement. Was anyone else present when you entered into this</p> <p>21 agreement -- or not a lease. I'm sorry. The title on the</p> <p>22 home, the mortgage.</p> <p>23 A. Was anyone present --</p> <p>24 Q. Was anyone else present besides yourself and Miss Pilarski?</p> <p>25 A. When I signed off, yes.</p>	<p style="text-align: right;">Page 72</p> <p>1 order against another girlfriend, didn't you?</p> <p>2 A. Yes.</p> <p>3 Q. But didn't do it in this case, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Ms. Pilarski's owned the house that you were living in?</p> <p>6 A. Yes.</p> <p>7 Q. She was on the title?</p> <p>8 A. Yes.</p> <p>9 Q. It was her name on the loan, not yours, correct?</p> <p>10 A. Yes.</p> <p>11 Q. She was the one making the payments for the mortgage</p> <p>12 payments, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And yet is it your testimony that she needed permission to</p> <p>15 come into her own home?</p> <p>16 MS. BROOKS-SZACHTA: Objection, Your Honor. That is</p> <p>17 not what he testified to. He just testified that he -- that</p> <p>18 she didn't ask for permission.</p> <p>19 THE COURT: Overruled.</p> <p>20 A. Could you ask that question one more time? Sorry.</p> <p>21 BY MR. MAZZOLI:</p> <p>22 Q. Yeah.</p> <p>23 MR. MAZZOLI: Could you please repeat the question?</p> <p>24 THE COURT: Why don't you just repeat it. Basically</p> <p>25 it was then yet is it your testimony that she needed permission</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. Who was there?</p> <p>2 A. There was a notary.</p> <p>3 Q. Anyone else?</p> <p>4 A. Carissa's mom -- her stepmom, I'm sorry, and her father</p> <p>5 was -- her father was on the phone, so her brother and her</p> <p>6 stepmother and her and the notary.</p> <p>7 MS. BROOKS-SZACHTA: I have no further questions at</p> <p>8 this time.</p> <p>9 THE COURT: Cross-examine?</p> <p>10 CROSS-EXAMINATION</p> <p>11 BY MR. MAZZOLI:</p> <p>12 Q. So she physically assaulted you, you testified, correct?</p> <p>13 A. Yes.</p> <p>14 Q. But you didn't call the police, did you?</p> <p>15 A. No, sir.</p> <p>16 Q. And you say she was calling repeatedly, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And stalking you around town?</p> <p>19 A. Yes.</p> <p>20 Q. Coming to your workplace?</p> <p>21 A. Yes.</p> <p>22 Q. You didn't seek a protective order, personal protection</p> <p>23 order against her, did you?</p> <p>24 A. No.</p> <p>25 Q. Now, in the past you have sought a personal protection</p>	<p style="text-align: right;">Page 73</p> <p>1 to come into her own home? That was the question.</p> <p>2 A. Yes. In my opinion, it was.</p> <p>3 BY MR. MAZZOLI:</p> <p>4 Q. You're not -- you're no longer seeing Ms. Baumgardner now,</p> <p>5 correct?</p> <p>6 A. Yes. Correct. Not seeing her, no.</p> <p>7 Q. In fact, Ms. Baumgardner has a lawsuit against you,</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. For fraud?</p> <p>11 A. Yes.</p> <p>12 MS. BROOKS-SZACHTA: Objection, Your Honor. We're</p> <p>13 going beyond the scope of what induced the defense to enter</p> <p>14 into a settlement agreement. None of that is relevant. It</p> <p>15 occurred after. It's pending.</p> <p>16 THE COURT: Overruled. I think it goes to</p> <p>17 credibility.</p> <p>18 BY MR. MAZZOLI:</p> <p>19 Q. And, in fact, you have defaulted in that lawsuit, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And that's the lawsuit alleging fraud against you, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Now, after the two of you broke up, you did, in fact, owe</p> <p>24 Miss Pilarski some money, correct?</p> <p>25 A. Not in my opinion, no.</p>

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<p style="text-align: right;">Page 74</p> <p>1 Q. No. 2 Well, she did bring a small claims action against you 3 for monies she claimed that was owed to her, correct? 4 A. Correct. 5 Q. And, in fact, in that case you've also defaulted in this 6 case, correct? 7 A. Yes. 8 Q. And it's her contention that you took checks from her and 9 cashed them without -- and signed her name without her 10 permission and cashed them for yourself, correct? 11 A. Yes. Yes, she has. 12 Q. And you're in a criminal case involved in that, correct? 13 A. Yes. 14 Q. Now, you've denied telling Ms. Pilarski that you attended 15 the University of Michigan? 16 A. Denied? 17 Q. Do you deny telling Miss Pilarski that you attended the 18 university? Did you ever tell Miss Pilarski you attended the 19 University of Michigan? 20 A. Yes. 21 Q. Oh, you did tell her that? 22 A. No. I'm not understanding what you're saying. 23 Q. Let me rephrase. Did you ever tell Miss Pilarski that you 24 had attended the University of Michigan? 25 A. No.</p>	<p style="text-align: right;">Page 76</p> <p>1 Michigan, correct? 2 A. Correct. 3 Q. And yet it's your testimony that even though you 4 represented to Motel 6 that you had attended the University of 5 Michigan, you never made that same representation to Miss 6 Pilarski, correct? 7 A. Correct. 8 Q. You've known Derrick Bruce for many years? 9 A. Yes. 10 Q. You've even lived together? 11 A. For a week, yes. 12 Q. You got him a job at Motel 6? 13 A. Yes. 14 Q. You drove to Motel 6 every day together? 15 A. Not every day but pretty close to it, yes. 16 Q. Very frequently? 17 And you and Mr. Bruce stopped working at Motel 6 the 18 same day? 19 A. Yes. 20 Q. And you mentioned that you had a lawsuit against Motel 6, 21 correct -- 22 A. Yes. 23 Q. -- to Mr. Bruce? 24 And it's your testimony that the only thing you ever 25 told Derrick about the lawsuit was to tell the truth?</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. When you applied for work at Motel 6, you filled out an 2 employment application? 3 A. Yes. 4 Q. And, in fact, you submitted two employment applications, 5 correct? 6 A. I don't recall if I submitted two or not. 7 Q. All right. You signed the employment applications? 8 A. Yes. 9 Q. And you verified it that you had completed the application 10 and that all entries and information provided by you were true 11 and complete to the best of your knowledge, correct? 12 A. Yes. 13 Q. And on the line that asked you about your education, you 14 wrote down U of M, correct? 15 A. Yes. 16 Q. In fact, you wrote down that you had completed two years 17 after U of M, correct? 18 A. Yes. 19 Q. And you would have applied to Motel 6 sometime in August, 20 September of 2001, correct? 21 A. Yes. 22 Q. And as of that time frame, the August, September, 2001, you 23 did not have a degree from the University of Michigan, correct? 24 A. Correct. 25 Q. And, in fact, you had not attended the University of</p>	<p style="text-align: right;">Page 77</p> <p>1 A. No, not the only thing. I mean he wondered why I wasn't 2 going to work anymore because I was his transportation most of 3 the time. 4 Q. But with respect to the lawsuit that you had, not -- is the 5 only thing that you told -- maybe I misunderstood your earlier 6 testimony, but I thought what you testified before was that the 7 only thing you told Mr. Bruce about the lawsuit you had against 8 Motel 6 was that he should tell the truth when deposed? 9 A. Yes. 10 Q. Now, Mr. Bruce gave a deposition in this case? 11 A. Yes. 12 Q. And you sat through that deposition? 13 A. Yes. 14 Q. Isn't it true that at that deposition Mr. -- isn't it true 15 that at that deposition Mr. Bruce was asked if you had ever 16 discussed with him what you alleged happened with respect to 17 the lawsuit? 18 A. I don't recall. 19 MS. BROOKS-SZACHTA: Objection, Your Honor. Hearsay. 20 THE COURT: Overruled. He was present. So it's his 21 recollection. Overruled. 22 MR. MAZZOLI: If I could, Your Honor, I have the 23 deposition transcript. 24 THE COURT: You can refresh his recollection if you 25 want. Why don't you refer to the page number for the benefit</p>

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<p>Page 78</p> <p>1 of Plaintiff's counsel.</p> <p>2 MR. MAZZOLI: Yep. Turning to page 17 of Derrick</p> <p>3 Bruce's deposition.</p> <p>4 May I approach, Your Honor?</p> <p>5 THE COURT: Sure.</p> <p>6 BY MR. MAZZOLI:</p> <p>7 Q. All right. Turning to page 17, starting with line 12,</p> <p>8 isn't it true that he was asked --</p> <p>9 THE COURT: A little louder.</p> <p>10 BY MR. MAZZOLI:</p> <p>11 Q. Isn't it true that he was asked and he answered as follows:</p> <p>12 At any time had the two of you had any discussions about this</p> <p>13 lawsuit? Answer: Just about nothing really. Just about being</p> <p>14 one. Question: At any point has Mr. Skodak ever discussed</p> <p>15 with you what he alleges happened with respect to this lawsuit?</p> <p>16 Yeah. Yes? Yeah.</p> <p>17 In reading that, does that refresh your memory that</p> <p>18 you didn't so testify that way?</p> <p>19 A. This is what it says here, yes.</p> <p>20 Q. And having seen that, does that refresh your memory that</p> <p>21 you did, in fact, talk with him, that in talking to him about</p> <p>22 the lawsuit you spoke to him more than just to tell the truth</p> <p>23 in a deposition?</p> <p>24 A. Yes. According to this document. Yes.</p> <p>25 Q. Well, then in are you in agreement with what he had to say?</p>	<p>Page 80</p> <p>1 THE COURT: Okay.</p> <p>2 BY MR. MAZZOLI:</p> <p>3 Q. You were present at -- we discussed you were present at</p> <p>4 Mr. Bruce's deposition?</p> <p>5 THE COURT: That's been asked and answered.</p> <p>6 MR. MAZZOLI: Okay. Just one moment. May I approach</p> <p>7 the witness, Your Honor?</p> <p>8 THE COURT: Why don't you identify what it is to</p> <p>9 opposing counsel.</p> <p>10 MR. MAZZOLI: Derrick Bruce deposition, page 15.</p> <p>11 BY MR. MAZZOLI:</p> <p>12 Q. Turning to page 15, starting with line 17, Mr. Bruce was</p> <p>13 asked, When was the last time you spoke to Jeff Skodak?</p> <p>14 Answer: Yesterday. Question: And was that on the telephone</p> <p>15 or did you talk in person? Answer: In person. Question:</p> <p>16 Where were the two of you? Answer: At the 400 Angle Road,</p> <p>17 same house.</p> <p>18 THE COURT: 400 what?</p> <p>19 MR. MAZZOLI: Angle, A-n-g-l-e.</p> <p>20 THE COURT: Thank you.</p> <p>21 BY MR. MAZZOLI:</p> <p>22 Q. And how long was he with you yesterday? Answer: About an</p> <p>23 hour and -- couple of hours.</p> <p>24 MS. BROOKS-SZACHTA: Objection, Your Honor. The</p> <p>25 reliance on the deposition testimony of a witness who's not</p>
<p>Page 79</p> <p>1 A. Yes. Just for -- he wanted to know when the court was or</p> <p>2 something along those lines, yes.</p> <p>3 Q. And you also talked to him about according to what you</p> <p>4 alleged happened in the lawsuit, correct?</p> <p>5 A. About what happened to me, what I was claiming what</p> <p>6 happened to me?</p> <p>7 Q. Yes.</p> <p>8 A. Yes.</p> <p>9 Q. Now, Mr. Bruce, as we've discussed here, he gave a</p> <p>10 deposition in this case?</p> <p>11 A. Yes.</p> <p>12 THE COURT: That's been asked and answered.</p> <p>13 BY MR. MAZZOLI:</p> <p>14 Q. And the day before Mr. Bruce's deposition you met with him?</p> <p>15 A. No.</p> <p>16 Q. Isn't it true that you spent at least two hours with</p> <p>17 Mr. Bruce the day before his deposition?</p> <p>18 A. No.</p> <p>19 Q. Again, you were present at the deposition of Mr. Bruce?</p> <p>20 A. Two hours before the deposition?</p> <p>21 Q. I'm sorry.</p> <p>22 A. I'm sorry. I misunderstood.</p> <p>23 THE COURT: He said the day before the deposition of</p> <p>24 Mr. Bruce did you spend two hours with him?</p> <p>25 THE WITNESS: No.</p>	<p>Page 81</p> <p>1 even here --</p> <p>2 THE COURT: It's perfect. He was at the deposition.</p> <p>3 Go ahead. Ask your question.</p> <p>4 BY MR. MAZZOLI:</p> <p>5 Q. Is it still your testimony, having seen this, the</p> <p>6 deposition testimony from Mr. Bruce, is it still your testimony</p> <p>7 that you did not, in fact, meet with Mr. Bruce for a couple of</p> <p>8 hours the day before Mr. Bruce's deposition?</p> <p>9 A. No, I did not meet with him for a couple of hours.</p> <p>10 Q. So Mr. Bruce then was just lying in this deposition?</p> <p>11 A. No. Maybe confused.</p> <p>12 Q. And Mr. Bruce, he's not here today, correct?</p> <p>13 THE COURT: That's out. Go ahead. Ask the next</p> <p>14 question.</p> <p>15 BY MR. MAZZOLI:</p> <p>16 Q. At one point during your relationship with Miss Pilarski</p> <p>17 you did talk to her about getting married, correct?</p> <p>18 A. Yes, we talked about the future.</p> <p>19 Q. And you did talk about that with her parents also, correct?</p> <p>20 A. Yeah. It was brought up. Yes.</p> <p>21 Q. And as Miss Pilarski testified, the two of you lived</p> <p>22 together in your mother's home, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And you did receive a videotape from your attorney</p> <p>25 regarding the taking of the deposition?</p>

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<p style="text-align: right;">Page 82</p> <p>1 A. Yes. 2 Q. And you did review that tape from your home? 3 A. Yes. 4 Q. And you did view that tape with Miss Pilarski present, 5 correct? 6 A. I don't recall if she was present. 7 Q. During the course of your relationship with Miss Pilarski, 8 did you tell her that you had a lawsuit against Motel 6? 9 A. Yes. 10 Q. And you did talk to her about the allegations of your 11 lawsuit, correct? 12 A. Just as far as what the lawsuit -- why I was -- had a 13 lawsuit against the company, yes. 14 Q. Is it your testimony that you didn't go into any details 15 with her about the lawsuit? 16 A. Well, she asked what it was. I mean she was wondering 17 where I was going when we were together. She was wondering 18 where I had to show up, and so, yeah, I would tell her it was 19 sexual harassment together. 20 Q. And you talked to her about your meeting with the 21 counselor, correct? 22 A. She -- yes. She like just brought up that it happened. No 23 details. 24 Q. With respect to this journal that's at issue here, you 25 don't have the original, do you?</p>	<p style="text-align: right;">Page 84</p> <p>1 deposition, correct? 2 A. Yes. 3 Q. During your deposition you were asked about your post-high 4 school education, correct? 5 A. Yes. 6 MR. MAZZOLI: I'm going to hand him Plaintiff's 7 deposition at page 172. 8 MS. BROOKS-SZACHTA: No objection. 9 MR. MAZZOLI: May I approach, Your Honor? 10 THE COURT: Sure. 11 BY MR. MAZZOLI: 12 Q. Actually starting on the page -- starting at the bottom of 13 the page 171, again, you were asked during your deposition 14 about going to college, and starting at the bottom of page 171 15 you were asked: So you stopped working at Rolling Hills then 16 because you were going full time to school; is that correct? 17 Answer: Yes, sir. Question: At Mott Community College? 18 Answer: Yes, sir. Question: Did you complete the schooling 19 and get your degree? Answer: Yes. Question: And when was 20 that? When did you get your degree? Answer: I don't -- I 21 don't recall the exact -- Question: You have a certificate or 22 something? Answer: Right, right. Yes, sir. Question: That 23 I could consult if I were to ask for it? Answer: Yes. 24 Question: Did you get a Bachelor's degree? Answer: No, sir. 25 I didn't finish. I intended to finish for my Bachelor's. I</p>
<p style="text-align: right;">Page 83</p> <p>1 A. Not on my person. 2 Q. Well, at the deposition you were asked to bring the 3 original journal and you didn't bring it, correct? 4 A. I thought we had the regular journal there as far as -- we 5 had looked over copies, if I'm not mistaken, of different pages 6 and whatnot. 7 Q. I'm not talking about copies of the journal. I'm talking 8 about the original journal you wrote in. Isn't it true you did 9 not bring the original journal to your deposition? 10 A. I don't know. My attorney may have had the original 11 journal. 12 Q. Isn't it true your attorney represented at the deposition 13 that you did not have the original journal and that you 14 couldn't locate it because of various moves that you had? 15 A. That may be. I don't recall. 16 Q. Do you recall where the original journal is? 17 A. No, sir. 18 Q. Now, today you've sworn to tell the truth, correct? 19 A. Yes. 20 Q. And that's an obligation, I assume, you take seriously? 21 A. Yes. 22 Q. And when you were deposed June 28, 2005, you were also 23 sworn to tell the truth? 24 A. Yes. 25 Q. And that was an obligation you took seriously in that</p>	<p style="text-align: right;">Page 85</p> <p>1 got an Associate's degree. Question: Got it. So you obtained 2 your Associate's degree. You don't recall what year. Is that 3 fair? Answer: That's fair. Yes, sir. Question: How long 4 did it take you to get the Associate's degree, a couple of 5 years? Answer: I did it pretty quick because I was taking 6 extra classes, so I'd say a year and a half. 7 As of -- did you see the testimony I referenced? 8 A. Yes. 9 Q. And you obviously recall making those representations 10 during deposition, correct? 11 A. It's written here, yes, sir. 12 Q. As of the June 28, 2000, deposition, however, you didn't 13 have an Associate's degree, did you? 14 A. No, sir. 15 Q. You claim that you never told Ms. Pilarski that you lied to 16 Christian Family Services, correct? 17 A. Yes, sir. 18 Q. And in your testimony today you said that you never lied to 19 the Christian Family Services counselors, correct? 20 A. Yes. 21 MR. MAZZOLI: I'm going to hand him Exhibit 502. May 22 I approach, Your Honor? 23 THE COURT: Sure. These are the records from 24 Christian Family Services. Go ahead. 25 MR. MAZZOLI: Yep.</p>

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<p style="text-align: right;">Page 86</p> <p>1 BY MR. MAZZOLI: 2 Q. Okay. I've handed you the Christian Family Services record 3 marked as Exhibit 502. When you first went to Christian Family 4 Services, they ask you to fill out a client self-report form, 5 correct? 6 A. Yes. 7 Q. And if you turn to pages 14 through 21 -- 8 THE COURT: Let's pick a page so he can -- 9 MR. MAZZOLI: Well, I will direct him to a specific 10 page. 11 BY MR. MAZZOLI: 12 Q. But the client self-report form appears between pages 14 13 through 21, correct? 14 A. 14, yes, sir. 15 Q. Starting on page 14? 16 A. Yes, sir. 17 Q. And turning to page 21, that's your signature that appears 18 on the bottom? 19 A. At 21; is that what you're saying? 20 Q. Yes. 21 A. Yes. 22 Q. And right above your signature it says, "I've answered the 23 questions on this form to the best of my knowledge", correct? 24 A. Yes. 25 Q. And that form is dated by your signature there January 10</p>	<p style="text-align: right;">Page 88</p> <p>1 A. I'd have to look at that. I don't know exactly when it 2 was. 3 Q. But certainly as of January, 2002, you were not enrolled in 4 any classes at Mott Community College, correct? 5 A. Yes. 6 MR. MAZZOLI: I have no further questions. 7 THE COURT: Okay. Any redirect? 8 MS. BROOKS-SZACHTA: I have no further questions. 9 THE COURT: Okay. You can step down. Thank you, sir. 10 THE WITNESS: Thank you. 11 (Witness excused, 12:08 p.m.) 12 THE COURT: Any further questions from the Plaintiff? 13 MS. BROOKS-SZACHTA: No, Your Honor. 14 THE COURT: Any rebuttal witnesses from Defendant? 15 MR. MAZZOLI: If I could have one moment, Your Honor. 16 THE COURT: Sure. 17 MR. MAZZOLI: No, Your Honor. 18 THE COURT: Okay. Then we'll conclude the hearing 19 testimony. Basically what I'm going to need from the parties 20 now beginning with the moving party in this matter, which is 21 the Defendant, is briefing relating to the issue of fraud on 22 the Court. At the previous hearing the Defendant admitted that 23 there was a settlement. The question now is whether it was 24 fraudulently induced or a fraud on the Court in that sense. We 25 have the testimony, so basically I'll need a brief with</p>
<p style="text-align: right;">Page 87</p> <p>1 of 2002, correct? 2 A. Yes. 3 Q. Turning back to page 14 of the client self-report form, 4 under education it asked you to circle the highest grade 5 completed, correct? 6 A. Yes. 7 Q. And you circled plus one and plus two, correct? 8 A. Yes. 9 Q. And also under education on page 14 you were asked type of 10 college education or vocational training, colon, degree, slash, 11 certificate. See that question there? 12 A. What page is that on? 13 Q. On page 14 under education. 14 A. Okay. Yes. 15 Q. And next to that you wrote down Associate degree, correct? 16 A. Yes. Yes. 17 Q. And as of January, 2002, you didn't have an Associate's 18 degree, correct? 19 A. Correct. Yeah. A few classes I had to finish up. 20 Q. Pardon me? 21 A. I said I was planning on finishing a few classes to get it. 22 Q. So you were also taking classes as of January, 2002? 23 A. No. 24 Q. In fact, you didn't start at Mott Community College in the 25 winter of 2003, correct?</p>	<p style="text-align: right;">Page 89</p> <p>1 testimony, law, things that the Court uses to rule on the 2 matter. So figure going to probably have to get the 3 transcript, so probably figure three weeks from today, 4 beginning with the Defendant, if you want to file a brief, and 5 then give Plaintiff ten days to file a response, and then the 6 Court will rule on it. Maybe ask for a hearing, maybe not. So 7 at any rate, we have the briefing scheduled, and we'll stay and 8 move on the case. 9 MR. MAZZOLI: Your Honor, what would you like us to do 10 with the exhibits? Do you want me to hold onto those? 11 THE COURT: I have a copy of 502 and 500, and so I 12 have the exhibits. So if you refer to them, I have them. 13 MR. MAZZOLI: Great. Thank you. 14 THE COURT: So we will hear from the Defendant in 15 three weeks before -- and then the Plaintiff, and then we'll 16 respond. Okay. Thank you all. 17 MR. MAZZOLI: Thank you, Your Honor. 18 (Proceedings concluded, 12:11 p.m.) 19 20 21 22 23 24 25</p>

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1 CERTIFICATION OF REPORTER
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4 I, Leann S. Lizza, do hereby certify that the above-entitled
5 matter was taken before me at the time and place hereinbefore
6 set forth; that the proceedings were duly recorded by me
7 stenographically and reduced to computer transcription; that
8 this is a true, full and correct transcript of my stenographic
9 notes so taken; and that I am not related to, nor of counsel to
10 either party, nor interested in the event of this cause.

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13
14 Leann S. Lizza, CSR-3746, RPR, CRR, RMR Date _____
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